

APPENDIX CONTENTS - PART I
Court Decisions, Legal Provisions, and
Federal-Question Preservation Materials

Part I contains court decisions, legal provisions, and materials showing preservation of the federal questions, grouped in the sequence of Supreme Court Rule 14.1(i). Documents within each group follow their first citation; accompanying papers remain with the submission they support. Petitioner added yellow highlighting to cited passages; it is not part of the source documents.

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Court Decisions, Legal Provisions, and
Federal-Question Preservation Materials

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

DANIEL J. FELDMAN,
Plaintiff and Appellant,
v.
LINDA STEINHOFF HOLMES,
Defendant and Respondent.

A175990

(City & County of San Francisco
Super. Ct. No. CGC21594129)

BY THE COURT:*

On March 9, 2026, appellant Daniel J. Feldman filed a notice of appeal purporting to appeal from a September 8, 2025 minute entry regarding defendant's motion to dismiss the action pursuant to Code of Civil Procedure section 581, subdivision (b)(5) for Feldman's failure to appear.

On April 6, 2026, we notified the parties that we were considering dismissing this appeal for lack of an appealable order or judgment. We requested appellant file with this court a signed dismissal or judgment, or submit supplemental briefing, by April 27, 2026. We stated that failure to comply with the order could result in the dismissal of the appeal.

"Appellate courts have jurisdiction over a direct appeal, like the present one, only where there is an appealable order or judgment." (*Katzenstein v. Chabad of Poway* (2015) 237 Cal.App.4th 759, 765 (*Katzenstein*).) "The existence of an appealable judgment or order 'is a jurisdictional prerequisite to an appeal.'" (*In re Marriage of Deal* (2022) 80 Cal.App.5th 71, 77-78.) An appellate "court, on its own motion, must dismiss an appeal from a nonappealable order." (*Art Movers, Inc. v. Ni West, Inc.* (1992) 3 Cal.App.4th 640, 645.) Appellant bears the burden of establishing the appealability of such orders. (*Brown v. Upside Gading, LP* (2019) 42 Cal.App.5th 140, 144.)

* Simons, Acting P.J., Burns, J., and Chou, J. participated in the decision.

Appellant did not comply with our April 6, 2026 order. By failing to respond to this court's order, appellant has not carried his burden of demonstrating the existence of an appealable order.

Moreover, the challenged minute entry, without a signed order or judgment, is not effective as a judgment of dismissal and is not appealable. (Code of Civ. Proc., § 581d; *Powell v. County of Orange* (2011) 197 Cal.App.4th 1573–1578 [unsigned minute order dismissing complaint for lack of prosecution under Code of Civil Procedure section 581, subdivision (b)(4) not appealable].)

Since the minute entry appellant purports to appeal is not appealable and appellant has not provided an appealable order or judgment, we dismiss the appeal. No costs are awarded. (Cal. Rules of Court, rule 8.278(a)(5).)

Dated: 05/01/2026

Simons, J., Acting P. J.

September 8, 2025 Register Entry

Superior Court of California, County of San Francisco

Daniel Feldman v. Linda Steinhoff Holmes

Case No. CGC-21-594129

Entry date: 2025-09-08

Verbatim transcription of the complete entry

(***DISMISSED***) REMOVED FROM MASTER COURT CALENDAR SET FOR SEP-08-2025 - NO APPEARANCE FOR SELF-REPRESENTED PLAINTIFF, DANIEL FELDMAN, PH.D. APPEARANCE BY MS. JO ANNE FELDMAN, MOTHER OF THE PLAINTIFF, VIA ZOOM FOR SCHEDULING PURPOSES. APPEARANCE BY ATTY. ADRIANNE C. DUNCAN AND ATTY. JUDITH S. MCAULAY FOR DEFENDANT. COURT REPORTER VANESSA CLAYTON, CSR #13112, APPEARED VIA ZOOM. DEFENDANT'S COUNSEL MADE AN ORAL MOTION TO DISMISS THIS CASE PURSUANT TO CCP 581(B)(5). DEFENDANT ALSO REQUESTED TO DECLARE PLAINTIFF, DANIEL FELDMAN, PH.D, A VEXATIOUS LITIGANT AND REQUESTED PLAINTIFF TO POST A BOND OF \$10,000.00 PURSUANT TO CCP 391. MS. JO ANNE FELDMAN OPPOSED DEFENDANT'S ORAL MOTION AND REQUESTED A CONTINUANCE OF THE TRIAL DATE FOR 120 DAYS. THE COURT DENIED MS. FELDMAN'S REQUEST FOR A CONTINUANCE OF THE TRIAL DATE. THE COURT GRANTED DEFENDANT'S ORAL MOTION TO DISMISS WITHOUT PREJUDICE THE COMPLAINT PURSUANT TO CCP 581. REASONS FOR THE GRANTING OF THE MOTION IS AS STATED ON THE RECORD. THE COURT DENIED DEFENDANT'S ORAL MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT. (SEE MINI-MINUTES.) JUDGE: ROCHELLE EAST; CLERK: D. LOK; COURT REPORTER: VANESSA CLAYTON, CSR #13112, VANESSA.CLAYTONCSR@HOTMAIL.COM. (206)

Transcribed for legibility. The original image is reproduced at App. 4a. Wording and capitalization are preserved; line wrapping, spacing, and apostrophe typography are normalized.

2025-09-08

(***DISMISSED***) REMOVED FROM MASTER COURT CALENDAR SET FOR SEP-08-2025 - NO APPEARANCE FOR SELF-REPRESENTED PLAINTIFF, DANIEL FELDMAN, PH.D. APPEARANCE BY MS. JO ANNE FELDMAN, MOTHER OF THE PLAINTIFF, VIA ZOOM FOR SCHEDULING PURPOSES. APPEARANCE BY ATTY. ADRIANNE C. DUNCAN AND ATTY. JUDITH S. MCAULAY FOR DEFENDANT, COURT REPORTER VANESSA CLAYTON, CSR #13112, APPEARED VIA ZOOM. DEFENDANT'S COUNSEL MADE AN ORAL MOTION TO DISMISS THIS CASE PURSUANT TO CCP 581(B)(5). DEFENDANT ALSO REQUESTED TO DECLARE PLAINTIFF, DANIEL FELDMAN, PH.D, A VEXATIOUS LITIGANT AND REQUESTED PLAINTIFF TO POST A BOND OF \$10,000.00 PURSUANT TO CCP 391. MS. JOANNE FELDMAN OPPOSED DEFENDANT'S ORAL MOTION AND REQUESTED A CONTINUANCE OF THE TRIAL DATE FOR 120 DAYS. THE COURT DENIED MS. FELDMAN'S REQUEST FOR A CONTINUANCE OF THE TRIAL DATE. THE COURT GRANTED DEFENDANT'S ORAL MOTION TO DISMISS WITHOUT PREJUDICE THE COMPLAINT PURSUANT TO CCP 581. REASONS FOR THE GRANTING OF THE MOTION IS AS STATED ON THE RECORD. THE COURT DENIED DEFENDANT'S ORAL MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT. (SEE MINI-MINUTES.) JUDGE: ROCHELLE EAST; CLERK: D. LOK; COURT REPORTER: VANESSA CLAYTON, CSR #13112, VANESSA.CLAYTONCSR@HOTMAIL.COM. (206)

Original image of the September 8, 2025 register entry.

A readable transcription appears at App. 3a.

1 multiple cases across the country related to the same subject
2 matter that have summarily been dismissed.

3 THE COURT: All right. Ms. Feldman, anything?

4 MS. FELDMAN: Yes. I have quite a few things.

5 One is that Dr. Feldman presently is in Costa Rica
6 undergoing abdominal surgery, emergency abdominal surgery. And I
7 ask for compassion of this Court.

8 Ms. Holmes -- they were asking that she be entitled to move
9 on her -- with her life. I ask the same for Dr. Feldman. He's
10 filed these cases because he has continually been denied the same
11 rights as litigants with attorneys. And I'll -- and I have been
12 a part of these rulings in Kentucky. I have been there myself.
13 I have submitted the filings. I have read all the filings that
14 the Defendant's attorneys have placed in this court. Many were
15 false accusations, and there was no opportunity for Dr. Feldman
16 to do rebuttals. They have blocked his witnesses. They have
17 blocked testimony. Any kind of proof that he has, especially one
18 by Dr. Fanelli, who I have talked with after he made his report.
19 He's a certified environmental engineer, and he's certified that
20 the water in Dr. Feldman's apartment had been tampered with,
21 resulting in the death of his partner.

22 THE COURT: Ms. Feldman, I'm not able to take evidence
23 here. This really is only going to go --

24 MS. FELDMAN: Okay.

25 THE COURT: -- with --

26 MS. FELDMAN: This is what I'm asking today:
27 120-day continuous [sic] and -- and a recalling on this stay that
28 Dr. Feldman already requested in prior filings and leave to lodge

1 medical proof under seal either by accepting the Spanish-language
2 hospital records we now have or if the Court requires certified
3 English translations, granting 21 days to obtain and file those
4 translations. We may be able to -- I believe right now, he has a
5 doctor who is operating on him at -- presently that is willing to
6 submit in -- in English documentation for that.

7 THE COURT: Okay. Anything else?

8 MS. FELDMAN: When they were saying -- I personally --
9 because of accusations of Ms. Holmes of elder abuse, which she
10 previously denied in an earlier court case, I was trespassed
11 by --

12 THE COURT: Wait. Wait. I need to stop you there. Again,
13 I am not hearing the case, and I'm not taking evidence. I just
14 need to know, Dr. Feldman was supposed to be here --

15 MS. FELDMAN: Excuse me, Your Honor. I feel like if the
16 Defendant was allowed to name all these other cases, which were
17 denied because the courts do not allow pro se litigants to file
18 documents and then it's happening -- happening in the same
19 case -- I, myself, have tried to file for him and paid, and the
20 documents were not delivered. So there is an obvious prejudice
21 here against pro se litigants, and that's what most of the
22 filings have been on, that pro se litigants are not allowed the
23 same filing access as defendant's with attorneys. I would like
24 that, you know, to be understood as part of this -- asking for
25 this 120-day stay.

26 THE COURT: Okay. Anything else?

27 MS. FELDMAN: I don't know.

28 What else am I allowed to say?

1 THE COURT: Well, I'm listening to any of your arguments
2 for why there should be a stay or why today should not go
3 forward.

4 MS. FELDMAN: I believe the main reason is because
5 Dr. Feldman presently is in surgery for a very serious medical
6 problem that some of this started when he was in Uruguay. He was
7 diagnosed with a stroke. He had had the same medical problem
8 years ago, and they had to do abdominal surgery.

9 THE COURT: Okay. Anything else?

10 MS. FELDMAN: I believe that's it.

11 THE COURT: Okay.

12 MS. MCAULAY: If I may?

13 THE COURT: You may.

14 But just a couple of things, so, first, as to the filing
15 issue, I will note that Dr. Feldman has had unrestricted access
16 to filing. I will note that, indeed, even in the last 48 hours,
17 I guess, he has filed appeals in the First District Court of
18 Appeal, plus two, I believe, writ petitions in the California
19 Supreme Court.

20 I will also note that our ADA coordinator has worked
21 continuously with Dr. Feldman in order to permit his papers and
22 pleadings to be filed in this court; various options have been
23 given to him. And I would say that the Court's docket reflects
24 that he has indeed had access to -- to the Court and to the
25 judicial system --

26 MS. FELDMAN: Your Honor --

27 THE COURT: No. No. I'm going to finish.

28 MS. FELDMAN: Okay.

1 THE COURT: I'll give you a chance. Everybody gets their
2 turn.

3 MS. FELDMAN: Thank you.

4 THE COURT: All right. Every motion that Dr. Feldman has
5 filed has indeed been ruled on to the best of this Court's
6 knowledge, including multiple requests for accommodations under
7 the Americans with Disabilities Act; and, indeed, he has more
8 than once been given permission to file medical records under
9 seal, if that is what he wanted to do.

10 I will also note that the Court has, in fact, received
11 medical records from Dr. Feldman. The Court asked they be
12 translated into English inasmuch as this Court does not read
13 medical records in Spanish. Those records were submitted to the
14 Court, again, in English.

15 I will also note that at the last hearing and in accordance
16 with the medical records that were submitted, Dr. Feldman,
17 notwithstanding his representations, is not hospitalized and was
18 not under continuous treatment per those medical records. His
19 last hearing here was August 25th. Again, that was for trial
20 call. He was clearly not in a clinical or medical setting.
21 Rather, he was outdoors among trees and literally -- trees and
22 birds, no medical or hospital setting anywhere to be seen on that
23 Zoom call.

24 All right. I am going to switch.

25 Ms. Feldman, I will give you a chance.

26 If there's anything -- Counsel, anything else?

27 MS. MCAULAY: Yes. I would like to join in what our
28 codefendant has said. I would like to add that the Court has the

1 ability to dismiss this for failure to prosecute under 583.410,
2 et sequens, in addition to the 581(1) failure to appear, ability
3 to dismiss. I also would say -- join in vexatious litigant.
4 Upon the Court's own motion the -- the Plaintiff does qualify
5 for -- of that. And I would like to add in the alternative, we
6 request that the Plaintiff be required to post a \$10,000 bond
7 pursuant to CCP 1030 for not maintaining an address in the state
8 of California. He's an out-of-state, and he does meet all the
9 prongs of that as well.

10 And just procedurally, in addition to all of Codefendants
11 acknowledgments of the similar related cases that have been
12 dismissed, I'll add this would be the fifth -- going on the sixth
13 continuance requested. Only one has been requested due to our
14 clients health. All the rest have been due to the Plaintiff and
15 his health issues.

16 And that I also will add that we have flown up here, again,
17 from San Diego based upon the belief that we are ready to proceed
18 with trial. We are ready. We have our client here. We have our
19 witnesses lined up. We have our binders. We're ready, Your
20 Honor. We're answering ready.

21 So -- more I could go into that go into the details of the
22 facts. And without belaboring the actual facts of this case, at
23 some point veracity comes into play with respect to the procedure
24 of this case, and this has been continued again and again. And
25 so I ask that the Court take judicial notice of the documents
26 that have been submitted by the Plaintiff in an evaluation with
27 respect to the veracity of the representations made.

28 THE COURT: All right. Ms. Feldman, anything?

1 MS. FELDMAN: I do know that Ms. Holmes was giving -- given
2 a stay without any medical records being submitted. I also know
3 that the attorneys have filed papers that Dr. Feldman could not
4 enter a witness list or that his evidence that he has could not
5 be submitted. This is a clear violation of the rule of law. I
6 believe everyone should have an opportunity in this country to be
7 heard without an attorney. I ask for your compassion in this.

8 If he was outside in a park, it was because he was outside
9 the hospital. He was in the hospital, and he was diagnosed with
10 a stroke. He was in Uruguay. I had multiple conversations with
11 his doctors and knew what was happening. He was allowed to leave
12 the hospital. They have a park right there at the hospital.

13 There have been many false accusations made by this
14 Defendant that has personally affected me because she said that
15 he was a violent person, which she actually stated in an earlier
16 court case that he was not. But it has not been removed from his
17 medical records. He had to leave the country to be able to get
18 medical care. All of this should be considered when I'm asking
19 for this 120-day continuous and for the stay that he has
20 requested in previous filings.

21 THE COURT: All right. Submitted?

22 MS. DUNCAN: Submitted, Your Honor.

23 THE COURT: Anything -- is it submitted, Ms. Feldman?

24 MS. FELDMAN: What does that mean?

25 THE COURT: Okay. In other words, have you told me
26 everything that you want me to know? I'm ready to issue my
27 ruling.

28 MS. FELDMAN: I can tell you a lot of things, Judge, about

1 this case and about this -- the -- I mean, I have personally
2 witnessed some of the things in the DBI of reports. I actually
3 made a composite of the DBI reports from the original papers --

4 THE COURT: Okay. But, again, I'm not taking --

5 MS. FELDMAN: -- they're false. I don't know -- I don't
6 understand why the Plaintiff in this case cannot be heard.

7 THE COURT: All right. Thank you.

8 I will take that as submitted at this point.

9 All right. So I'm going to point out just a couple more
10 things.

11 There have been in this particular case, which was filed in
12 2021, six prior continuances, from March 6th, 2023 to May 8th,
13 2023; from May 8th, 2023, to March 11, 2024; from March 11, 2024,
14 to September 16th, 2024; from September 16th, 2024, to
15 February 24th, 2025; from February 24th, 2025, to August 25th,
16 2025; and, again, August 25th, 2025, to today, September 8th,
17 2025.

18 I will note that the Court received from Dr. Feldman an
19 e-mail today, September 8th, 2025. It is -- the timestamp on it
20 is 8:49 a.m., which is roughly 45 minutes before trial call
21 begins, in which Dr. Feldman indicates that he is scheduled
22 for -- that he's hospitalized in Costa Rica and will be in
23 emergency surgery during the hearing time. In other words, at
24 9:30.

25 I will note notwithstanding Ms. Feldman's representations,
26 that at the last calling of the case, Dr. Feldman appeared by
27 Zoom. He said he was in Costa Rica. The medical records that he
28 submitted indicated he was, in fact, in Costa Rica. They

1 indicated he had never been hospitalized in Costa Rica, and his
2 medical records indicated he was receiving no particular
3 treatment.

4 So notwithstanding whatever stroke may have occurred in
5 another country, that is not the reason that Dr. Feldman asked
6 for the continuance on August 25th, 2025, to today --

7 MS. FELDMAN: A --

8 THE COURT: All right. I also will note that
9 notwithstanding the e-mail that we received today, that the
10 credibility is simply -- is lacking. It is unlikely that
11 Dr. Feldman was able to send an e-mail to the Court 45 minutes
12 before emergency surgery. And, again, he indicates he's
13 hospitalized in Costa Rica. There was nothing to indicate what
14 this surgery may have been about or what it was for, and there
15 was certainly no indication leading up to this that such a
16 thing may have been necessary.

17 I will note that given all of the various continuances,
18 given the fact that there have been conflicting reasons for the
19 continuances that have been requested, that Dr. Feldman's
20 credibility is simply -- it doesn't exist at this point. There
21 have been, in this Court's opinion, multiple reasons for -- for
22 him not to go to trial, notwithstanding he's been on trial call
23 multiple times. And, again, the Court at this point has
24 determined that this is simply pretextual.

25 Accordingly, the Court will dismiss this matter. It is
26 without prejudice. I will not, at this point, declare
27 Dr. Feldman a vexatious litigant. Simply, that can be made at a
28 separate time. But this matter is dismissed.

Certificate of Certified Shorthand Reporter

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN FRANCISCO)

I, VANESSA R. CLAYTON, hereby certify that I am a
California Certified Shorthand Reporter, and that at the times
and places shown, I recorded verbatim in shorthand writing all
the proceedings in the following described action completely and
correctly, to the best of my ability:

Court: SUPERIOR COURT OF CALIFORNIA,
 COUNTY OF SAN FRANCISCO
 DEPARTMENT 206
 HON. ROCHELLE EAST

Case: DANIAL FELDMAN, PH.D., v. LINDA STEINHOFF
 HOLMES, an individual, and DOES 1-10,
 inclusive, Defendants

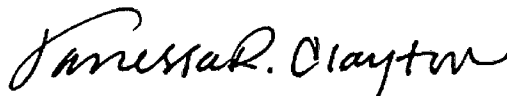
Case No: CGC-21-594129

Date(s): Monday, September 8, 2025

I further certify that my said shorthand notes
have been transcribed into typewriting, and that the foregoing
PAGES, 1 to 15, inclusive, constitute an accurate and complete
transcript of all of my shorthand writing for the dates and
matter specified.

I further certify that I have complied with CCP
237(a) (2) in that all personal juror identifying information have
been redacted, if applicable.

Dated: September 16, 2025



VANESSA R. CLAYTON, CSR No. 13112, CCR

---oOo---

SUPREME COURT
FILED

Court of Appeal, First Appellate District, Division Five - No. A175990

JUN 24 2026

Jorge Navarrete Clerk

S297025

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

DANIEL J. FELDMAN, Plaintiff and Appellant,

v.

LINDA STEINHOFF HOLMES, Defendant and Respondent.

The petition for review and application for stay are denied.

GUERRERO

Chief Justice

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

DANIEL J. FELDMAN,
Plaintiff and Appellant,

v.

LINDA STEINHOFF HOLMES,
Defendant and Respondent.

A175990

(City & County of San Francisco
Super. Ct. No. CGC-21-594129)

Appellant Daniel Feldman's notice of appeal, filed March 9, 2026, purports to appeal from a September 8, 2025 minute entry regarding defendant's motion to dismiss the action for failure to appear pursuant to Code of Civil Procedure section 581, subdivision (b)(5). No signed order or judgment dismissing the action has been entered in the trial court.

"The existence of an appealable judgment or order 'is a jurisdictional prerequisite to an appeal.'" (*In re Marriage of Deal* (2022) 80 Cal.App.5th 71, 77-78.) "A corollary of this rule is that an appeal from a judgment or order that is not appealable must be dismissed." (*Id.* at p. 78.)

A minute entry, without a signed order or judgment, is not effective as a judgment of dismissal and therefore is not appealable. (Code Civ. Proc., § 581d ["All dismissals ordered by the court shall be in the form of a written order signed by the court and filed in the action and those orders when so filed shall constitute judgments and be effective for all purposes"]; *Powell v. County of Orange* (2011) 197 Cal.App.4th 1573, 1577-1578 [unsigned minute order dismissing complaint for lack of prosecution pursuant to Code of Civil Procedure section 581, subdivision (b)(4) not appealable].)

Accordingly, the court is considering dismissing this appeal for lack of an appealable order or judgment.

Within 21 days of the date of this order, appellant must file with this court the trial court's signed dismissal order or judgment. If an appealable

judgment or order is timely filed with this court, we will construe the appeal to have been taken from the appealable judgment or order. (*Brehm v. 21st Century Ins. Co.* (2008) 166 Cal.App.4th 1225, 1234, fn. 5; see also *Maria D. v. Westec Residential Security, Inc.* (2000) 85 Cal.App.4th 125, 129, fn. 1.)

Alternatively, if appellant is unable to file with this court the trial court's signed dismissal order or judgment, including because he is unable to secure entry in the trial court of such an order, appellant shall submit within 21 days of this order a letter brief on whether the September 8, 2025 minute entry is appealable. If appellant submits such a brief, respondent may serve and file a reply within seven (7) days after appellant's brief is served and filed. The parties' briefs must be in letter form and no longer than five (5) single-spaced pages. Factual assertions in the parties' letter briefs must be supported by an evidentiary showing, e.g., a declaration attaching documents reflecting those assertions.

Failure to comply with this order may result in the dismissal of the appeal.

Dated: 04/06/2026

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23 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
24 UNLIMITED JURISDICTION

25 DANIEL FELDMAN, Ph.D.,

26 Plaintiff,

27 v.

28 LINDA STEINHOFF HOLMES, an
individual; and DOES 1-10, inclusive,

Defendants.

) Case No. CGC-21-594129

) ~~PROPOSED~~ ORDER GRANTING IN
) PART AND DENYING IN PART
) DEFENDANT'S MOTION FOR
) SUMMARY ADJUDICATION

) Date: February 1, 2024
) Time: 9:30 a.m.
) Dept.: 501

) Complaint filed: July 28, 2021

21 On February 1, 2024, Defendant LINDA STEINHOFF HOLMES's motion for summary
22 adjudication came on regularly for hearing in Department 501 of the above-entitled Court.
23 Having considered all papers submitted by the parties and good cause appearing, the Court
24 adopts its tentative ruling as follows:

25 DEFENDANT LINDA STEINHOFF HOLMES' MOTION FOR SUMMARY
26 ADJUDICATION is GRANTED in part and DENIED in part. Motion is granted as to issue 1
27 on the second cause of action. Moving party shifted its burden and the plaintiff failed to create a
28 triable issue of material fact. Motion is denied as to issue 2 regarding the purported claim for

FILED
San Francisco County Superior Court

MAR 11 2024

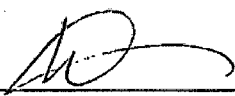
CLERK OF THE COURT
By: [Signature]
Deputy Clerk

Haapala, Thompson & Abern LLP
Attorneys At Law
Park Plaza Building
1939 Harrison St., Suite 800
Oakland, California 94612
Telephone: 510-763-2324
Facsimile: 510-273-6534

1 treble damages in the third cause of action. Motion for Summary Adjudication is framed by the
2 pleadings. Moving party fails to point to any part of the third cause of action claiming treble
3 damages by paragraph or page/line number. The Court took judicial notice of the Complaint and
4 could not locate any request for treble damages within the third cause of action, pages 12:15-
5 13:1.

6 Accordingly, IT IS HEREBY ORDERED that judgment be entered in favor of
7 Defendant HOLMES on Plaintiff's second cause of action for damages pursuant to the San
8 Francisco Residential Rent Stabilization and Arbitration Ordinance.

9
10 DATED: 3/11/24


JUDGE OF THE SUPERIOR COURT

RONALD E. QUIDACHAY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

FILED
Superior Court of California
County of San Francisco

SEP 05 2025

CLERK OF THE SUPERIOR COURT
By [Signature]
Deputy Clerk

DANIEL J. FELDMAN,
Petitioner;

v.

THE SUPERIOR COURT OF THE CITY AND COUNTY OF SAN
FRANCISCO,

Respondent;

LINDA STEINHOFF-HOLMES,

Real Party in Interest.

A174218

San Francisco County No. CGC21594129

BY THE COURT:*

On the court's own motion, we take judicial notice of the superior court's online docket for the underlying superior court case (case No. CGC-21-594129). (See *People v. Mendoza* (2015) 241 Cal.App.4th 764, 773 & fn. 1; Evid. Code § 452, subds. (c) & (d).)

The petition for writ of mandate and accompanying stay request are denied.

Regarding petitioner's claim that the superior court has refused to permit petitioner to appear remotely at all proceedings, including at the September 8, 2025 proceedings, the petition appears premature. The superior court's register of actions reveals the following:

* Before Simons, Acting P.J. and Chou, J.

2025-08-25

MASTER COURT TRIAL CALENDAR SET FOR AUG-25-2025 CONTINUED TO
MASTER CALENDAR COURT ON SEP-08-2025 AT 9:30 AM IN 206 FOR
PLAINTIFF TO SUBMIT SUPPORTING MEDICAL VERIFICATION FOR THE
ADA REQUEST. APPEARANCE BY PLAINTIFF VIA ZOOM. APPEARANCES
FOR DEFENDANT PARTIES ARE ORDERED TO APPEAR IN PERSON AT
TRIAL CALL UNLESS PERMISSION IS GIVEN FOR ALTERNATIVE
APPEARANCE. NOTICE WAIVED. JUDGE ROCHELLE EAST, CLERK D. LOK,
COURT REPORTER. MATTER NOT REPORTED. (206)

The foregoing docket entry from August 25, 2025 indicates petitioner has been permitted to appear remotely by Zoom on September 8, 2025 in the master calendar court. While respondent superior court's later September 2, 2025 order ruling on plaintiff's accommodation requests denies plaintiff's request for a remote appearance for "trial call" as not being supported by medical documentation, it is not clear that "trial call" pertains to the September 8, 2025 appearance before the "master calendar court." Moreover, the record includes an email from respondent court's ADA Coordinator dated August 26, 2025—post-dating the August 25, 2025 entry in the court's register of actions—stating petitioner's August 21, 2025 ADA request is "currently under review and pending submission of your updated medical documentation (in English)," explaining that while "[a] remote appearance for 'trial and motions' was previously granted on August 20, 2024, based on the medical documentation provided at that time . . . , as the trial has been continued several months beyond your surgery, updated medical documentation is now required to support the continued need for remote appearance." In sum, while the perhaps limited record before this court is not entirely clear, it appears petitioner has been permitted to appear remotely at the September 8, 2025 hearing—rendering petitioner's request moot as to this proceeding—and that respondent superior court has not yet made a final decision on this issue of further remote appearances—rendering the petition premature on this point. To the extent this court's order may not correctly construe the posture of this issue in the superior court, the accuracy of the status of this issue may be addressed at the September 8, 2025 hearing.

Furthermore, while the petition and accompanying record are not entirely clear about the specifics of this issue, it appears petitioner's claim

that the superior court has not ruled on petitioner's August 19 and 21, 2025 ex parte applications may be moot, since the court's online docket appears to indicate that those requests may have been ruled upon:

2025-08-22 REMARK AS TO THE AUGUST 22, 2025 PLAINTIFF'S EX-PARTE APPLICATION NOTICED IN DEPARTMENT 301: THE COURT DENIES THE NON-DISCOVERY REQUESTS AS THE MATTER PERTAINS TO REAL PROPERTY/HOUSING AND THESE REQUESTS MUST BE NOTICED IN DEPARTMENT 501 AS TO THE REQUEST FOR AN ORDER SHORTENING TIME ON A MOTION TO RE-OPEN DISCOVERY AND THE REQUEST FOR A PRESERVATION ORDER, THE COURT DENIES THEM WITHOUT PREJUDICE. JUDGE CHRISTINE VAN AKEN, CLERK: V. DA FONSECA, NOT REPORTED (301/CVA)

The court observes that the petition and record are not sufficiently clear to explain exactly what rulings have not been rendered by the superior court. To the extent petitioner claims other ex parte matters have not yet been ruled upon by the superior court, he possesses other adequate remedies at law to deal with this issue in the superior court, including but not limited to raising the issue at the upcoming September 8, 2025 hearing.

Furthermore, on this record, petitioner has not demonstrated an entitlement to relief as to his request to submit filings by email in respondent superior court. While not intended to comprise an exhaustive statement of this court's reasoning, we observe that the record includes an email from respondent's ADA Coordinator revealing two efilings vendors permit the use of debit cards in addition to credit cards, and we further note that the superior court's register of actions indicates petitioner has been able to file numerous pleadings in the superior court.

Petitioner has not met his burden of demonstrating grounds for this court to direct assignment of his requests for accommodations to different judicial officers.

In addition to regular service, the Clerk of Division Five is instructed to serve a copy of this order on the Honorable Rochelle East.

Date: September 5, 2025

Simons, Acting P.J.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

FILED
San Francisco County Superior Court

SEP. 08 2025

CLERK OF THE COURT

By: [Signature]
Deputy Clerk

DANIEL J. FELDMAN,

Petitioner,

v.

THE SUPERIOR COURT OF THE CITY AND COUNTY OF SAN
FRANCISCO,

Respondent;

LINDA STEINHOFF-HOLMES,

Real Party in Interest.

A174227

San Francisco County No. CGC21594129

BY THE COURT:

By its order dated September 8, 2025, the Supreme Court transferred this matter to this appellate court "for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied."

Preliminarily, petitioner's motion to seal unredacted documents submitted with the petition is granted. The court makes the findings required by rule 8.46(d)(6) of the California Rules of Court. Additionally, the court acknowledges and accepts the corrections listed in petitioner's Notice of Errata.

* Before Simons, Acting P.J. and Chou, J.

Aside from a new request discussed below, the court finds that the instant petition is substantially identical to petitioner's prior petition in case No. A174218, which was denied by this court on September 5, 2025. Therefore, except as to the matter discussed below, the petition for writ of mandate is denied. (*Hagan, supra*, 57 Cal.2d 767.)

The transferred mandate petition includes a request that was not made in the prior petition in case No. A174218, by which petitioner asks that the superior court, apparently in connection with his accommodation requests, be required to accept Spanish-language medical records and, if necessary, hire a translator at the court's expense to translate those documents. Documents included with the present filing indicate petitioner has recently asserted this issue in emails addressed to the superior court, but it does not appear the superior court has yet issued a ruling. Accordingly, this portion of the petition is premature, and is denied without prejudice to petitioner pursuing other adequate remedies at law in the superior court.

Petitioner's stay request is denied.

Date: September 8, 2025

Simons, Acting P.J.

2024-02-01 9:30 AM

MOTION FOR SUMMARY ADJUDICATION

Off Calendar Feb-01-2024 Text Ruling

MINI MINUTES: Appearances:

CIVIC CENTER COURTHOUSE
ROOM 501

RONALD E. QUIDACHAY

Daniel Feldman, PH.D, Plaintiff in Pro Per, via zoom
Jody Struck Esq., HAAPALA, ALTURA, THOMPSON & ABERN, LLP,
510-763-2324, via zoom for defendant

Mr. Feldman contests the tentative. After reviewing the pleadings and listening to oral arguments the court adopts the tentative ruling as follows:

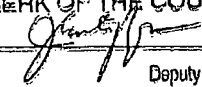
DEFENDANT LINDA HOLMES MOTION FOR SUMMARY ADJUDICATION is GRANTED in part and DENIED in part. Motion is granted as to issue 1 on the second cause of action. Moving party shifted its burden and the plaintiff failed to create a triable issue of material fact. Motion is denied as to issue 2 regarding the purported claim for treble damages in the third cause of action. Motion for Summary Adjudication is framed by the pleadings. Moving party fails to point to any part of the third cause of action claiming treble damages by paragraph or page/line number. The Court took judicial notice of the Complaint and could not locate any request for treble damages within the third cause of action, pages 12-15-13, 1.

Prevailing party to prepare order in compliance with CRC 3.1312(b).
Judge: Ronald E. Quidachay; Clerk: Vanessa Wu; Not Reported
(D501)

FILED
San Francisco County Superior Court

SEP 09 2024

CLERK OF THE COURT

By: 
Deputy Clerk

DANIEL J. FELDMAN, PH.D
13647 Aragon Way Apt 303
Louisville, KY 40245
Tel: (307) 699-3223
Email: danieljfeldmanphd@gmail.com

PLAINTIFF PRO SE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

DANIEL J. FELDMAN, PH.D
Plaintiff

vs.

LINDA STEINHOFF HOLMES,
AND DOES 1-30
Defendants

) Case No.: CGC 21-594129

) ~~PROPOSED ORDER GRANTING~~ *EX PARTE APPLICATION*

) ~~PLAINTIFF'S MOTION TO CONTINUE~~

) ~~TRIAL DATE AND EXTEND DISCOVERY~~
DEADLINE

) Date of Hearing: August 27, 2024 11:00am

) Date Ordered:

) Dept. 206

) Honorable Anne-Christine Massullo,

) Judge Presiding

The Court, having considered the Plaintiff's Motion to Continue Trial Date and Extend Discovery Deadline, the accompanying Memorandum of Points and Authorities, Declaration, and Exhibits, and good cause appearing therefor,

IT IS HEREBY ORDERED that:

The September 16, 2024 trial date is continued to February 24, 2025, in Dept. 206 at 9:30 a.m., per the agreement of the parties. Discovery tracks the original trial date of September 16, 2024. Any party may seek to re-open discovery in Dept. 302.

All further continuances of the trial date must be by Noticed Motion.

SEE NEXT PAGE

~~PROPOSED ORDER GRANTING PLAINTIFF'S MOTION TO~~
~~CONTINUE TRIAL DATE AND EXTEND DISCOVERY DEADLINE~~

--- 1 ---

FW-003**Order on Court Fee Waiver
(Superior Court)****1 Person who asked the court to waive court fees:**Name: DANIEL FELDMAN, PH.DStreet or mailing address: 13647 Aragon Way Apt 303City: Louisville State: KY Zip: 40245**2 Lawyer, if person in 1 has one (name, firm name, address, phone number, e-mail, and State Bar number):**

3 A request to waive court fees was filed on (date): FEB 27 2023☐ The court made a previous fee waiver order in this case on (date):**Read this form carefully. All checked boxes ☒ are court orders.**

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

4 After reviewing your: ☒ Request to Waive Court Fees ☐ Request to Waive Additional Court Fees the court makes the following orders:a. ☒ The court grants your request, as follows:(1) ☒ **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (*Cal. Rules of Court, rules 3.55 and 8.818.*) You do not have to pay the court fees for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835
- Court fee for phone hearing
- Giving notice and certificates
- Sending papers to another court department

(2) ☐ **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- ☐ Jury fees and expenses
- ☐ Fees for court-appointed experts
- ☐ Other (specify): _____
- ☐ Fees for a peace officer to testify in court
- ☐ Court-appointed interpreter fees for a witness

Clerk stamps date here when form is filed.

FILED
SUPERIOR COURT
COUNTY OF SAN FRANCISCO**FEB 27 2023****CLERK OF THE COURT**BY: Angelica Sunga
ANGELICA SUNGA Deputy Clerk

Fill in court name and street address:

Superior Court of California, County of**SAN FRANCISCO**

400 McAllister Street

San Francisco, CA 94102

Fill in case number and name:

Case Number:

CGC 21-594129

Case Name:

DANIEL FELDMAN, PH.D VS.

LINDA STEINHOFF HOLMES ET AL

Your name: Daniel Feldman, Ph.D

Case Number:

CGC 21-594129

- b. ☐ The court **denies** your fee waiver request because:

Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

- (1) ☐ Your request is incomplete. You have **10 days** after the clerk gives notice of this Order (see date of service on next page) to:

- Pay your fees and costs, or
- File a new revised request that includes the incomplete items listed:
☐ Below ☐ On Attachment 4b(1)

- (2) ☐ The information you provided on the request shows that you are not eligible for the fee waiver you requested for the reasons stated: ☐ Below ☐ On Attachment 4b(2)

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)* (form FW-006). You have **10 days** after the clerk gives notice of this order (see date of service below) to:

- Pay your fees and costs in full or the amount listed in c below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

- c. (1) ☐ The court needs more information to decide whether to grant your request. You must go to court on the date on page 3. The hearing will be about the questions regarding your eligibility that are stated:
☐ Below ☐ On Attachment 4c(1)

- (2) ☐ Bring the items of proof to support your request, if reasonably available, that are listed:
☐ Below ☐ On Attachment 4c(2)

This is a Court Order.

Your name: Daniel Feldman, Ph.D

Case Number:

CGC 21-594129

Name and address of court if different from above:

Hearing
Date

Date: _____ Time: _____
Dept.: _____ Room: _____

Warning! If item c(1) is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: FEB 27 2023

Signature of (check one)

ANGELICA SUNGA

☐ Judicial Officer ☒ Clerk, Deputy

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (check one):

- ☒ I handed a copy of this Order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
☒ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): SAN FRANCISCO, California, on the date below.
☐ A certificate of mailing is attached.

Date: FEB 28 2023

Clerk, by _____, Deputy
Name: ANGELICA SUNGA



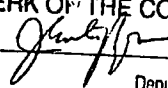
This is a Court Order.

Adrianne C. Duncan: SBN 284697
aduncan@clappmoroney.com
Jalila D. Jallab: SBN 355274
jjallab@clappmoroney.com
CLAPP, MORONEY, VUCINICH,
BEEMAN+SCHELEY
5860 Owens Drive, Suite 410
Pleasanton, California 94588
Telephone: (925) 734-0990
Facsimile: (925) 734-0888

FILED
San Francisco County Superior Court

FEB 06 2025

CLERK OF THE COURT

BY: 
Deputy Clerk

Attorney for Defendant
LINDA STEINHOFF HOMMES

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

DANIEL FELDMAN, PH.D.

Case No.: CGC-21-594129

Plaintiff,

v.

**[PROPOSED] EX PARTE ORDER TO
CONTINUE TRIAL**

LINDA STEINHOFF HOLMES, an individual,
and DOES 1-10, inclusive.

Defendant.

Date: February 6, 2025
Time: 11:00 AM
Dept.: 206
Trial Date: February 24, 2025

UPON GOOD CAUSE HAVING BEEN SHOWN THEREFORE:

IT IS ORDERED as follows:

continued.

The current trial date of February 24, 2025 are hereby ~~vacated~~ *continued*. Discovery will remain closed,
Discovery tracks the original trial Date of September 16, 2024.
aside from the expert witness depositions which have been previously noticed prior to the close of
discovery. *All further requests to continue the trial date must be by
Noticed Motion.*

The matter shall be ~~reset~~ *continued* for a bench trial on August 25, 2025, at 9:30 am in
Department 206.

IT IS SO ORDERED.

SEE NEXT PAGE

DATED: _____, 2024

JUDGE OF THE SUPERIOR COURT

[PROPOSED] EX PARTE ORDER TO CONTINUE TRIAL

CLAPP, MORONEY, VUCINICH, BEEMAN+SCHELEY
5860 OWENS DRIVE, SUITE 410
PLEASANTON, CALIFORNIA 94588

1 THE COURT ORDERS ALL PARTIES to call 415-551-3685 or e-mail the court at
2 Department206@sftc.org seven to fourteen days before the trial date and provide the
3 following information:

- 4 1. Party Name and Attorney Name (if represented)
- 5 2. Case Name and Number
- 6 3. Trial date and estimate of total trial time (including motions in limine and
7 jury selection), and whether trial is by court or jury.
- 8 4. Provide a brief description of the case, including damages. If calling,
9 description is limited to three minutes or less.
- 10 5. If the case has settled, is this a global settlement as to all parties and all
11 causes of action, and is the settlement conditional or unconditional?

12 Parties must appear on the day of trial unless a Dismissal, Notice of Settlement,
13 or Notice of Stay is filed with courtesy copies delivered to Department 206 by 4:00 PM
14 on the Thursday before trial.

15
16 MANDATORY SETTLEMENT CONFERENCE

17 Six weeks before trial, ALL COUNSEL AND SELF REPRESENTED LITIGANTS must
18 JOINTLY email the ADR Coordinator for the San Francisco Superior Court at
19 ADRCOORDINATOR@SFTC.ORG to schedule a Mandatory Settlement Conference, and
20 provide the same information in items 1-4 above and, in addition, the dates before trial
21 when all parties will be ready for a Mandatory Settlement Conference.

22
23 If the trial date is continued, this order applies to the new trial date. Failure to
24 comply with this order may result in monetary sanctions, C.C.P. §177.5.

25
26 DATE: 2/6/25

27 
HONORABLE ROCHELLE C. EAST
28 San Francisco Superior Court

CGC-21-594129

APPENDIX M RELEVANT PROVISIONS

U.S. Constitution, Amendment XIV, Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

28 U.S.C. § 1257(a)

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

California Code of Civil Procedure § 581d

A written dismissal of an action shall be entered in the clerk's register and is effective for all purposes when so entered.

All dismissals ordered by the court shall be in the form of a written order signed by the court and filed in the action and those orders when so filed shall constitute judgments and be effective for all purposes, and the clerk shall note those judgments in the register of actions in the case.

APPENDIX M RELEVANT RULES

California Rule of Court 8.104(c)(2)

The entry date of an appealable order that is entered in the minutes is the date it is entered in the permanent minutes. But if the minute order directs that a written order be prepared, the entry date is the date the signed order is filed; a written order prepared under rule 3.1312 or similar local rule is not such an order prepared by direction of a minute order.

California Rule of Court 8.104(d)

- (1) A notice of appeal filed after judgment is rendered but before it is entered is valid and is treated as filed immediately after entry of judgment.
- (2) The reviewing court may treat a notice of appeal filed after the superior court has announced its intended ruling, but before it has rendered judgment, as filed immediately after entry of judgment.

California Rule of Court 3.1312(a)

Unless the parties waive notice or the court orders otherwise, the party prevailing on any motion must, within five days of the ruling, serve by any means authorized by law and reasonably calculated to ensure delivery to the other party or parties no later than the close of the next business day a proposed order for approval as conforming to the court's order. Within five days after service, the other party or parties must notify the prevailing party as to whether or not the proposed order is so approved. The opposing party or parties must state any reasons for disapproval. Failure to notify the prevailing party within the time required shall be deemed an approval. The extensions of time based on a method of service provided under any statute or rule do not apply to this rule.

California Rule of Court 3.1312(d)

If the prevailing party fails to prepare and submit a proposed order as required by (a) and (b) above, any other party may do so.

APPENDIX AA

U.S. Constitution, Amendment I (pertinent clause)

Congress shall make no law ... abridging ... the right of the people ... to petition the Government for a redress of grievances.

42 U.S.C. § 12132 — Discrimination

Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

28 C.F.R. § 35.107

Designation of responsible employee and adoption of grievance procedures.

(a) Designation of responsible employee. A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part.

The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.

(b) Complaint procedure. A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.

28 C.F.R. § 35.130

Pertinent provisions of General prohibitions against discrimination.

(b)(1) A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability—

(iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(3) A public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration:

(i) That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;

(ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities; or

(iii) That perpetuate the discrimination of another public entity if both public entities are subject to common administrative control or are agencies of the same State.

(7)(i) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

28 C.F.R. § 35.160

Pertinent provisions concerning communications.

(a)(1) A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.

(b)(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.

(2) The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, a public entity shall give primary consideration to the requests of individuals with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

must file either an ex parte application for relief or a Request for Exemption from Mandatory Electronic Filing and Service, (Judicial Council Form EFS-007). The request must be heard in the department to which the case is assigned (or the Department of the Presiding Judge if the case has not been assigned). The applicant must appear at the hearing. The application must be accompanied by a proposed order and a declaration under penalty of perjury setting forth with specificity the undue hardship or significant prejudice that the applicant asserts would result from compliance with the E-Filing Rules. Judicial Council Form EFS-007 must be accompanied by Judicial Council Form EFS-008, Order of Exemption from Mandatory Electronic Filing and Service. After the ex parte hearing, the applicant must serve written notice on all other parties of the Court's ruling.

E. Retroactive Effect of Designation.

If, due to a rule change, a case comes within the definition of a Designated Case after initiation, counsel and parties will not be required to re-file, re-serve, or translate into electronic format any previously filed and served documents. The judge assigned to a Designated Case may order the parties to E-File papers previously Conventionally filed.

F. Format of E-Filed Documents.

The format of all E-Documents must comply with CRC 2.100 et seq., the rules governing formatting of paper pleadings.

G. Signatures on E-Filed Documents.

Signatures on E-Documents must comply with CRC 2.257.

H. Electronic Title of Documents.

The document title entered on the Vendor system must match exactly the title in the caption of the E-Document.

I. E-Filing of Documents Through Vendors

- 1) All E-Filings must be filed through a Vendor. Users must enter into a standard service agreement during the registration process that will govern all transactions completed within the scope of these E-Filing Rules in addition to additional features that Users may but are not required to use in connection with the E-filing and/or E-service of documents through the Vendor.
- 2) The Court Executive Officer will provide current and potential Vendors all information reasonably necessary to develop a bid to render the services to implement these rules.

J. Responsibility for Redaction

The responsibility for redacting personal identifiers and privileged or confidential information rests solely with counsel and the parties. The Clerk will not review each pleading or other paper for compliance. The Court may impose sanctions for violation of these requirements.

K. Assignment of Username and Password.

The Vendor will assign to the party's designated representative a confidential username and password. No attorney or party representative may knowingly or recklessly authorize or permit his/her username or password to be utilized by anyone other than the authorized attorneys or employees of the attorney's law firm.

L. Obligation to Keep Information Current.

Each represented party must furnish that party's electronic service address on the first occasion that the party E-Files any paper. Each party can have only one e-service address in each case. The case-specific E-Service address must specify the party. The E-Service address for entities designated for courtesy service can be provided to the Vendor but will not become a part of the Court's service list. A party whose E-Service address changes while the action or proceeding is pending must promptly E-File a notice of change of E-Service address or Judicial Council Form EFS 010, Notice to Change Electronic Service Address, with the court and must serve this notice on all other parties or their attorney(s) of record. An E-Service address is presumed valid for a party if the party files E-Documents with the court from that address and has not filed and served notice that the address is no longer valid.

M. Confirmation of Receipt of Lodged and Filed Documents.

Vendor is hereby appointed agent of the Clerk as to the E-filing, receipt, service and/or retrieval of any document in the E-File system. Vendor must promptly send Users confirmation of the receipt of any document that Users have transmitted to Vendor for filing or lodged with the Clerk. Such confirmation must indicate the date and time of receipt stated in Pacific Time. The Clerk will review the document and transmit to the Vendor confirmation that the document has been reviewed, accepted, or rejected by the Clerk. The Clerk will electronically endorse any document accepted for filing in accordance with CRC 2.259(e), or will promptly transmit the Clerk's notice of rejection or amendment to the User through Vendor.

N. User Technical Problems.

Effective: July 1, 1998; Revised July 1, 2025

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8.3 Tentative Rulings.

- A. The San Francisco Superior Court adopts CRC 3.1308 as the tentative ruling procedure in civil law and motion and discovery matters. For Real Property Court, compliance with 8.10(B) is required.
- B. Parties may obtain a tentative ruling issued by the Law and Motion and Discovery Departments by telephoning (415) 551-4000 or visiting the court's website at <https://sf.courts.ca.gov/> and clicking the online services link. Changes in telephone numbers will appear in the official newspapers.
- C. A party who fails to appear at the hearing is deemed to submit to the tentative ruling. However, no party may submit to a tentative ruling that specifies that a hearing is required.
- D. Parties who intend to appear at the hearing must give notice to opposing parties and the court promptly, but no later than 4:00 p.m. the day before the hearing unless the tentative ruling has specified that a hearing is required. Notice of contesting a tentative ruling must be provided by sending an email to the court to contestdept302tr@sftc.org with a copy to all other parties stating, without argument, the portion(s) of the tentative ruling that the party contests. A party may not argue at the hearing if the opposing party is not so notified and the opposing party does not appear.
- E. If no party appears, or if a party does not appear because the opposing party failed to give sufficient notice of intent to argue, then the tentative ruling will be adopted.
- F. Tentative rulings are generally available by 3:00 p.m. the day before the hearing. A tentative ruling that does not become available until after 3:00 p.m. is a late tentative ruling. A late tentative ruling will indicate that the ruling is late. If a tentative ruling is late, the parties must appear unless all parties agree to submit to a late tentative ruling in which case the Court will adopt the late tentative ruling pursuant to subsection E above.
- G. The prevailing party on a tentative ruling is required to prepare a proposed order repeating verbatim the substantive portion of the tentative ruling and must bring the proposed order to the hearing even if the motion is not opposed or the tentative ruling is not contested. If the prevailing party is appearing at the hearing remotely, the proposed order may be sent to the court by an email to contestdept302tr@sftc.org. If the proposed order is for a summary judgment and/or adjudication motion, the proposed order must comply with requirements of CCP § 437c(g). If the proposed order

- (A) All civil cases;
 - (B) All civil cases of a specific category, such as unlimited or limited civil cases;
 - (C) All civil cases of a specific case type, including but not limited to, contract, collections, personal injury, or employment;
 - (D) All civil cases assigned to a judge for all purposes;
 - (E) All civil cases assigned to a specific department, courtroom or courthouse;
 - (F) Any class actions, consolidated actions, or group of actions, coordinated actions, or actions that are complex under rule 3.403; or
 - (G) Any combination of the cases described in subparagraphs (A) to (F), inclusive.
- (2) Self-represented parties or other self-represented persons are exempt from any mandatory electronic filing and service requirements adopted by courts under this rule and Code of Civil Procedure section 1010.6.
 - (3) In civil cases involving both represented and self-represented parties or other persons, represented parties or other persons may be required to file and serve documents electronically; however, in these cases, each self-represented party or other person is to file, serve, and be served with documents by non-electronic means unless the self-represented party or other person affirmatively agrees otherwise.
 - (4) A party or other person that is required to file and serve documents electronically must be excused from the requirements if the party or other person shows undue hardship or significant prejudice. A court requiring the electronic filing and service of documents must have a process for parties or other persons, including represented parties or other represented persons, to apply for relief and a procedure for parties or other persons excused from filing documents electronically to file them by conventional means.
 - (5) Any fees charged by the court or an electronic filing service provider shall be consistent with the fee provisions of Code of Civil Procedure section 1010.6.
 - (6) The effective date of filing any document received electronically is prescribed by Code of Civil Procedure section 1010.6. This provision concerns only the effective date of filing. Any document that is received electronically must be processed and satisfy all other legal filing requirements to be filed as an official court record.

(Subd (b) amended effective January 1, 2023; adopted effective July 1, 2013; previously amended effective January 1, 2018.)

(c) Electronic filing by court order

- (1) If a court has adopted local rules for permissive electronic filing, then the court may, on the motion of any party or on its own motion, provided that the order would not cause undue hardship or significant prejudice to any party, order all parties in any

Subdivision (c). Court-ordered electronic filing under this subdivision is not subject to the provisions in (b) and Code of Civil Procedure section 1010.6 requiring that, where mandatory electronic filing and service are established by local rule, the court and the parties must have access to more than one electronic filing service provider.

Rule 2.254. Responsibilities of court

(a) Publication of electronic filing requirements

Each court that permits or mandates electronic filing must publish, in both electronic and print formats, the court's electronic filing requirements.

(Subd (a) amended effective July 1, 2013; adopted as subd (b); previously amended effective January 1, 2007; previously relettered effective January 1, 2011.)

(b) Problems with electronic filing

If the court is aware of a problem that impedes or precludes electronic filing, it must promptly take reasonable steps to provide notice of the problem.

(Subd (b) amended effective January 1, 2018; adopted as subd (c); previously relettered as subd (b) effective January 1, 2011; previously amended effective January 1, 2007.)

(c) Public access to electronically filed documents

Except as provided in rules 2.250–2.259 and 2.500–2.506, an electronically filed document is a public document at the time it is filed unless it is sealed under rule 2.551(b) or made confidential by law.

(Subd (c) amended and relettered effective January 1, 2011; adopted as subd (d); previously amended effective January 1, 2007.)

Rule 2.254 amended effective January 1, 2018; adopted as rule 2054 effective January 1, 2003; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2011, and July 1, 2013.

Rule 2.255. Contracts with and responsibilities of electronic filing service providers and electronic filing managers

(a) Right to contract

- (1) A court may contract with one or more electronic filing service providers to furnish and maintain an electronic filing system for the court.
- (2) If the court contracts with an electronic filing service provider, it may require electronic filers to transmit the documents to the provider.
- (3) A court may contract with one or more electronic filing managers to act as an intermediary between the court and electronic filing service providers.

- (4) If the court contracts with an electronic service provider or the court has an in-house system, the provider or system must accept filing from other electronic filing service providers to the extent the provider or system is compatible with them.

(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007, and January 1, 2011.)

(b) Provisions of contract

- (1) The court's contract with an electronic filing service provider may:
 - (A) Allow the provider to charge electronic filers a reasonable fee in addition to the court's filing fee;
 - (B) Allow the provider to make other reasonable requirements for use of the electronic filing system.
- (2) The court's contract with an electronic filing service provider must comply with the requirements of Code of Civil Procedure section 1010.6.
- (3) The court's contract with an electronic filing manager must comply with the requirements of Code of Civil Procedure section 1010.6.

(Subd (b) amended effective January 1, 2019; previously amended effective January 1, 2018.)

(c) Transmission of filing to court

- (1) An electronic filing service provider must promptly transmit any electronic filing, any applicable filing fee, and any applicable acceptance of consent to receive electronic service to the court directly or through the court's electronic filing manager.
- (2) An electronic filing manager must promptly transmit an electronic filing, any applicable filing fee, and any applicable acceptance of consent to receive electronic service to the court.

(Subd (c) amended effective January 1, 2020; previously amended effective January 1, 2011, and January 1, 2019.)

(d) Confirmation of receipt and filing of document

- (1) An electronic filing service provider must promptly send to an electronic filer its confirmation of the receipt of any document that the filer has transmitted to the provider for filing with the court.
- (2) The electronic filing service provider must send its confirmation to the filer's electronic service address and must indicate the date and time of receipt, in accordance with rule 2.259(a).

- (3) After reviewing the documents, the court must promptly transmit to the electronic filing service provider and the electronic filer the court's confirmation of filing or notice of rejection of filing, in accordance with rule 2.259.

(Subd (d) amended effective January 1, 2011; previously amended effective January 1, 2007.)

(e) Ownership of information

All contracts between the court and electronic filing service providers or the court and electronic filing managers must acknowledge that the court is the owner of the contents of the filing system and has the exclusive right to control the system's use.

(Subd (e) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(f) Establishing a filer account with an electronic filing service provider

- (1) An electronic filing service provider may not require a filer to provide a credit card, debit card, or bank account information to create an account with the electronic filing service provider.
- (2) This provision applies only to the creation of an account and not to the use of an electronic filing service provider's services. An electronic filing service provider may require a filer to provide a credit card, debit card, or bank account information before rendering services unless the services are within the scope of a fee waiver granted by the court to the filer.

(Subd (f) adopted effective January 1, 2019.)

(g) Electronic filer not required to consent to electronic service

- (1) An electronic filing service provider must allow an electronic filer to proceed with an electronic filing even if the electronic filer does not consent to receive electronic service.
- (2) This provision applies only to electronic service by express consent under rule 2.251(b).

(Subd (g) adopted effective January 1, 2021.)

(h) Fees for electronic filing services not chargeable in some criminal actions

- (1) Electronic filing service providers and electronic filing managers may not charge a service fee when an electronic filer files a document in a criminal action when the electronic filer is a prosecutor, an indigent defendant, or court appointed counsel for an indigent defendant.
- (2) For purposes of this subdivision, "indigent defendant" means a defendant who the court has determined is not financially able to employ counsel pursuant to Penal Code section 987. Pending the court's determination, "indigent defendant" also means a defendant the public defender is representing pursuant to Government Code section 27707.

(c) Delayed delivery

If a technical problem with a court's electronic filing system prevents the court from accepting an electronic filing on a particular court day, and the electronic filer demonstrates that he or she attempted to electronically file the document on that day, the court must deem the document as filed on that day. This subdivision does not apply to the filing of a complaint or any other initial pleading in an action or proceeding.

(Subd (c) amended and relettered effective January 1, 2018; adopted as subd (d); previously amended effective January 1, 2007.)

(d) Endorsement

- (1) The court's endorsement of a document electronically filed must contain the following: "Electronically filed by Superior Court of California, County of _____, on _____ (date)," followed by the name of the court clerk.
- (2) The endorsement required under (1) has the same force and effect as a manually affixed endorsement stamp with the signature and initials of the court clerk.
- (3) A complaint or another initial pleading in an action or proceeding that is filed and endorsed electronically may be printed and served on the defendant or respondent in the same manner as if it had been filed in paper form.

(Subd (d) relettered effective January 1, 2018; adopted as subd (e); previously amended effective January 1, 2007.)

(e) Issuance of electronic summons

- (1) The court may issue an electronic summons in the following circumstances:
 - (A) On the electronic filing of a complaint, a petition, or another document that must be served with a summons in a civil action, the court may transmit a summons electronically to the electronic filer in accordance with this subdivision and Code of Civil Procedure section 1010.6.
 - (B) On the electronic filing of an accusatory pleading against a corporation, the court may transmit a summons electronically to the prosecutor in accordance with this subdivision and Penal Code sections 690.5, 1390, and 1391.
 - (C) When a summons is issued in lieu of an arrest warrant, the court may transmit the summons electronically to the prosecutor or person authorized to serve the summons in accordance with this subdivision and Penal Code sections 690.5, 813, and 816a.
- (2) The electronically transmitted summons must contain an image of the court's seal and the assigned case number.
- (3) Personal service of the printed form of a summons transmitted electronically to the electronic filer has the same legal effect as personal service of a copy of an original summons.

(e) Retention and destruction of the form

- (1) When form CLETS-001 is submitted to the court, the court, if a temporary restraining order or order after hearing is entered, may:
 - (A) Transmit the form to a law enforcement agency for entry into CLETS and not retain any copy; or
 - (B) Enter the information on the form into CLETS itself and promptly destroy the form or delete it from its records.
- (2) If no temporary restraining order or order after hearing is entered, the court may promptly destroy the form or delete it from its records.
- (3) Until the court has completed (1) or (2), the form must be retained in a secure manner that prevents access to the information on the form except to those persons identified in (c).

(Subd (e) amended effective July 1, 2025.)

Rule 1.51 amended effective July 1, 2025; adopted effective January 1, 2011; previously amended effective January 1, 2019.

Chapter 5. Accommodations

Rule 1.100. Requests for accommodations by persons with disabilities

Rule 1.100. Requests for accommodations by persons with disabilities

(a) Definitions

As used in this rule:

- (1) “Persons with disabilities” means individuals covered by California Civil Code section 51 et seq.; the Americans With Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); or other applicable state and federal laws. This definition includes persons who have a physical or mental medical condition that limits one or more of the major life activities, have a record of such a condition, or are regarded as having such a condition.
- (2) “Applicant” means any lawyer, party, witness, juror, or other person with an interest in attending any proceeding before any court of this state.
- (3) “Accommodations” means actions that result in court services, programs, or activities being readily accessible to and usable by persons with disabilities. Accommodations may include making reasonable modifications in policies,

practices, and procedures; furnishing, at no charge, to persons with disabilities, auxiliary aids and services, equipment, devices, materials in alternative formats, readers, or certified interpreters for persons who are deaf or hard-of-hearing; relocating services or programs to accessible facilities; or providing services at alternative sites. Although not required where other actions are effective in providing access to court services, programs, or activities, alteration of existing facilities by the responsible entity may be an accommodation.

(Subd (a) amended effective July 1, 2017; adopted as subd (b) effective January 1, 1996; previously amended effective January 1, 2006, amended and relettered effective January 1, 2007.)

(b) Policy

It is the policy of the courts of this state to ensure that persons with disabilities have equal and full access to the judicial system. To ensure access to the courts for persons with disabilities, each superior and appellate court must delegate at least one person to be the ADA coordinator, also known as the access coordinator, or designee to address requests for accommodations. This rule is not intended to impose limitations or to invalidate the remedies, rights, and procedures accorded to persons with disabilities under state or federal law.

(Subd (b) adopted effective January 1, 2007.)

(c) Process for requesting accommodations

The process for requesting accommodations is as follows:

- (1) Requests for accommodations under this rule may be presented ex parte on a form approved by the Judicial Council, in another written format, or orally. Requests must be forwarded to the ADA coordinator, also known as the access coordinator, or designee, within the time frame provided in (c)(3).
- (2) Requests for accommodations must include a description of the accommodation sought, along with a statement of the medical condition that necessitates the accommodation. The court, in its discretion, may require the applicant to provide additional information about the medical condition.
- (3) Requests for accommodations must be made as far in advance as possible, and in any event must be made no fewer than 5 court days before the requested implementation date. The court may, in its discretion, waive this requirement.

- (4) The court must keep confidential all information of the applicant concerning the request for accommodation, unless confidentiality is waived in writing by the applicant or disclosure is required by law. The applicant's identity and confidential information may not be disclosed to the public or to persons other than those involved in the accommodation process. Confidential information includes all medical information pertaining to the applicant, and all oral or written communication from the applicant concerning the request for accommodation.

(Subd (c) amended effective July 1, 2017; previously amended effective January 1, 2006, and January 1, 2007.)

(d) Permitted communication

Communications under this rule must address only the accommodation requested by the applicant and must not address, in any manner, the subject matter or merits of the proceedings before the court.

(Subd (d) amended effective January 1, 2006.)

(e) Response to accommodation request

The court must respond to a request for accommodation as follows:

- (1) In determining whether to grant an accommodation request or provide an appropriate alternative accommodation, the court must consider, but is not limited by, California Civil Code section 51 et seq., the provisions of the Americans With Disabilities Act of 1990 (42 U.S.C. § 12101, et seq.), and other applicable state and federal laws.
- (2) The court must promptly inform the applicant of the determination to grant or deny an accommodation request. If the accommodation request is denied in whole or in part, the response must be in writing. On request of the applicant, the court may also provide an additional response in an alternative format. The response to the applicant must indicate:
 - (A) Whether the request for accommodation is granted or denied, in whole or in part, or an alternative accommodation is granted;
 - (B) If the request for accommodation is denied, in whole or in part, the reason therefor;
 - (C) The nature of any accommodation to be provided;
 - (D) The duration of any accommodation to be provided; and

- (E) If the response is in writing, the date the response was delivered in person or sent to the applicant.

(Subd (e) amended effective January 1, 2010; previously amended effective January 1, 2006, and January 1, 2007.)

(f) Denial of accommodation request

A request for accommodation may be denied only when the court determines that:

- (1) The applicant has failed to satisfy the requirements of this rule;
- (2) The requested accommodation would create an undue financial or administrative burden on the court; or
- (3) The requested accommodation would fundamentally alter the nature of the service, program, or activity.

(Subd (f) amended effective January 1, 2007; previously amended effective January 1, 2006.)

(g) Review procedure

- (1) If the determination to grant or deny a request for accommodation is made by nonjudicial court personnel, an applicant or any participant in the proceeding may submit a written request for review of that determination to the presiding judge or designated judicial officer. The request for review must be submitted within 10 days of the date the response under (e)(2) was delivered in person or sent.
- (2) If the determination to grant or deny a request for accommodation is made by a presiding judge or another judicial officer, an applicant or any participant in the proceeding may file a petition for a writ of mandate under rules 8.485–8.493 or 8.930–8.936 in the appropriate reviewing court. The petition must be filed within 10 days of the date the response under (e)(2) was delivered in person or sent to the petitioner. For purposes of this rule, only those participants in the proceeding who were notified by the court of the determination to grant or deny the request for accommodation are considered real parties in interest in a writ proceeding. The petition for the writ must be served on the respondent court and any real party in interest as defined in this rule.
- (3) The confidentiality of all information of the applicant concerning the request for accommodation and review under (g)(1) or (2) must be maintained as required under (c)(4).

(Subd (g) amended effective January 1, 2010; previously amended effective January 1, 2006.)

(h) Duration of accommodations

The accommodation by the court must be provided for the duration indicated in the response to the request for accommodation and must remain in effect for the period specified. The court may provide an accommodation for an indefinite period of time, for a limited period of time, or for a particular matter or appearance.

(Subd (h) amended effective January 1, 2006.)

Rule 1.100 amended effective July 1, 2017; adopted as rule 989.3 effective January 1, 1996; previously amended effective January 1, 2006; previously amended and renumbered effective January 1, 2007; previously amended January 1, 2010.

Advisory Committee Comment

Subdivision (g)(2). Which court is the “appropriate reviewing court” under this rule depends on the court in which the accommodation decision is made and the nature of the underlying case. If the accommodation decision is made by a superior court judicial officer and the underlying case is a limited civil, misdemeanor, or infraction case, the appropriate reviewing court is the appellate division of the superior court. If the accommodation decision is made by a superior court judicial officer and the case is anything other than a limited civil, misdemeanor, or infraction case, such as a family law, unlimited civil, or felony case, the appropriate reviewing court is the Court of Appeal. If the accommodation decision is made by a judicial officer of the Court of Appeal, the appropriate reviewing court is the California Supreme Court.

Chapter 6. Public Access to Court Proceedings

Rule 1.150. Photographing, recording, and broadcasting in court

Rule 1.150. Photographing, recording, and broadcasting in court

(a) Introduction

The judiciary is responsible for ensuring the fair and equal administration of justice. The judiciary adjudicates controversies, both civil and criminal, in accordance with established legal procedures in the calmness and solemnity of the courtroom. Photographing, recording, and broadcasting of courtroom proceedings may be permitted as circumscribed in this rule if executed in a manner that ensures that the fairness and dignity of the proceedings are not adversely affected. This rule does not create a presumption for or against granting permission to photograph, record, or broadcast court proceedings.

(Subd (a) adopted effective January 1, 1997.)

California Rule of Court 8.60

Extending time; subdivision (d).

(d) Relief from default

For good cause, a reviewing court may relieve a party from default for any failure to comply with these rules except the failure to file a timely notice of appeal or a timely statement of reasonable grounds in support of a certificate of probable cause.

California Rule of Court 8.264

Filing, finality, and modification of decision; subdivisions (b) and (c).

(b) Finality of decision

(1) Except as otherwise provided in this rule, a Court of Appeal decision in a civil appeal, including an order dismissing an appeal involuntarily, is final in that court 30 days after filing.

(2) The following Court of Appeal decisions are final in that court on filing:

(A) The denial of a petition for writ of supersedeas; and

(B) The dismissal of an appeal on request or stipulation.

(3) If a Court of Appeal certifies its opinion for publication or partial publication after filing its decision and before its decision becomes final in that court, the finality period runs from the filing date of the order for publication.

(c) Modification of decision

(1) A reviewing court may modify a decision until the decision is final in that court. If the office of the clerk/executive officer is closed on the date of finality, the court may modify the decision on the next day the office is open.

(2) An order modifying an opinion must state whether it changes the appellate judgment. A modification that does not change the appellate judgment does not extend the finality date of the decision. If a modification changes the appellate judgment, the finality period runs from the filing date of the modification order.

California Rule of Court 8.272

Remittitur; subdivision (c).

(c) Immediate issuance, stay, and recall

(1) A Court of Appeal may direct immediate issuance of a remittitur only on the parties' stipulation or on dismissal of the appeal under rule 8.244(c)(2).

(2) On a party's or its own motion or on stipulation, and for good cause, the court may stay a remittitur's issuance for a reasonable period or order its recall.

(3) An order recalling a remittitur issued after a decision by opinion does not supersede the opinion or affect its publication status.

whether it denied due process by denying continuance and dismissing despite trial-readiness, filing-access, ADA-accommodation, preservation, and reopening-discovery issues; whether filing-access barriers, party-listing irregularities, rejected or blocked filings, and failure to provide effective relief denied a meaningful opportunity to participate; whether pretrial procedural barriers prejudicially affected dismissal; whether summary-adjudication proceedings denied a meaningful opportunity to be heard; and whether settlement/pretrial administration contributed to unequal treatment and prejudice.

Those issues were never reviewed on the merits because the appeal was dismissed at the threshold on the same missing-order problem the Court of Appeal had identified. If review is denied, the practical effect will be to leave Petitioner without appellate review of serious verified allegations involving wrongful eviction, disability access, defamation, continuing housing harm, medical harm, and the alleged cross-jurisdictional use of slander to destroy Petitioner's housing and court access. Review or transfer is warranted so the record defect may be cured and the preserved appellate issues may be decided on a clear record.

RELIEF REQUESTED

Petitioner respectfully requests that this Court grant review, or in the alternative transfer the matter to the Court of Appeal with directions to: vacate the May 1, 2026 dismissal of A175990; reinstate the appeal; resolve Petitioner's prior-participation and

qualified-justice objection before further dispositive action;
permit a disability-accessible cure of any signed-order or
appealability defect through the September 8, 2025 transcript,
register entry, mini-minutes, or limited remand for entry or
clarification of a signed dismissal order; and thereafter decide the
preserved due-process, ADA, filing-access, discovery, summary-
adjudication, continuance, and dismissal issues on a clear record.

Petitioner also respectfully requests that this Court apply
ordinary internal disqualification procedures concerning any
justice whose prior participation in S292812 may bear on review
of this petition. Petitioner does not contend that the prior
Supreme Court transfer order alone establishes actual bias; he
identifies the prior related proceeding only to preserve the issue.

Dated: June 10, 2026

Respectfully submitted,


Daniel J. Feldman, Ph.D.

Petitioner, self-represented

language-access, and participation issues later central to the September 8 dismissal and A175990.

The record presented to Division Five in April 2026 identified A174218, A174227, and S292812 as related proceedings. It also identified the September 8, 2025 A174227 order as treating the petition as substantially identical to A174218 while acknowledging an additional request concerning Spanish-language medical records and translation.

That new request was not collateral. It concerned language access, medical documentation, disability accommodation, and Petitioner's ability to prove medical need immediately before dismissal. The same filings also presented rebuttals and clarifications concerning File&ServeXpress, email filing, remote appearance, unresolved ADA requests, rejection of Spanish-language records, and lack of meaningful response to those issues.

The filing-access issue was materially misunderstood. Petitioner's ability to file emergency materials in the Court of Appeal or Supreme Court did not prove that he had access to file in San Francisco Superior Court. Those were different filing systems and different filing pathways. The superior-court barrier concerned San Francisco Superior Court's File&ServeXpress / Electronic Filing Manager process, which Petitioner's filed materials alleged required either a credit card or attorney account and therefore blocked indigent self-represented filing access. The appellate and Supreme Court filings did not use that same superior-court filing

mechanism and therefore did not prove that Petitioner could file in the superior court.

This distinction matters because the September 8 dismissal proceedings later treated Petitioner's recent appellate and Supreme Court filings as proof that he had unrestricted access to filing. That was not just circular prejudice; it was a false equivalence between two different filing systems. Petitioner filed emergency writ materials because he was claiming disability, filing, and access barriers in the superior court. Those appellate filings were then used against him as if they disproved the superior-court File&ServeXpress barrier. The resulting dismissal rested on a factual premise Petitioner had already rebutted: that appellate filing access meant superior-court filing access.

Review is warranted because Division Five's prior writ rulings addressed or left unresolved the same filing-access premise that Judge East later relied on, and the same Division Five justices whose prior participation Petitioner challenged then participated in dismissing the appeal from that dismissal.

V. The dismissal caused severe prejudice by ending review of preserved due-process, ADA, filing-access, discovery, summary-adjudication, continuance, and dismissal issues.

The dismissal of A175990 did not merely end a technical appeal. It ended Petitioner's immediate path to appellate review of a serious wrongful-eviction, retaliatory-eviction, habitability,

defamation, disability-access, and continuing-harm case after years of procedural dispute.

The underlying complaint alleged constructive eviction, retaliatory eviction, negligence, habitability, quiet enjoyment, defamation, emotional distress, unfair business practice, and nuisance. It alleged that Respondent falsely portrayed Petitioner as “violent, dangerous, and mentally unsound,” damaging his housing, reputation, work, medical access, and ability to function professionally. Petitioner is a disabled clinical neuropsychologist and federal False Claims Act whistleblower whose professional reputation, housing access, medical access, and ability to work were directly implicated by those allegations.

The prejudice also includes severe disability-access and medical-access harm already documented in the California record.

Petitioner’s August 26, 2024 filed declaration stated that he underwent retinal surgery after an armed attack while leaving the Defendant’s building, that the injury was related to the ongoing litigation, and that the recovery severely limited his ability to prepare for trial. The same declaration stated that his retina detached again, urgent surgery was scheduled to prevent permanent blindness, and Petitioner faced the impossible choice between protecting his eyesight and preserving his ability to participate in this case. Petitioner does not ask this Court to decide medical causation or damages now. He identifies these facts because dismissal of A175990 leaves the disability-access, continuance, trial-readiness, and prejudice issues unreviewed.

The prejudice from dismissal is severe because Petitioner's verified and filed materials allege that Respondent's conduct did not end with the San Francisco tenancy. Petitioner has filed related federal civil-rights materials naming Linda Steinhoff-Holmes and alleging that slander originating in the California case was reused in Kentucky, that the resulting retaliation and procedural exclusion contributed to Petitioner's hospitalization, loss of housing, loss of property, and homelessness, and that courts failed to review emergency filings or provide disability-accessible relief. Petitioner does not ask this Court to adjudicate the Kentucky claims in this petition. He identifies them because they show that the loss of appellate review in A175990 is not harmless: the same alleged slander, disability-access barriers, and housing harms continued across jurisdictions and remain part of the prejudice flowing from the California case.

The case also exists against a broader related-harm background. A separate wrongful-death and survival complaint was filed concerning Christopher Hefner, who was alleged to have resided at 884 14th Street as Petitioner's subtenant. That complaint alleged contaminated water, mold, inability to receive chemotherapy, and death. Petitioner does not ask this Court to adjudicate that separate wrongful-death case here. He identifies it only to show the severity of the underlying housing-condition allegations and the prejudice from losing all meaningful appellate review in CGC-21-594129.

Petitioner's APP-003 Attachment 7 preserved issues including whether the superior court erred in dismissing the action;

**REQUEST FOR DISABILITY ACCOMMODATION UNDER
CALIFORNIA RULE OF COURT 1.100**

Petitioner Daniel J. Feldman respectfully requests disability accommodations under California Rules of Court, rule 1.100.

Petitioner is disabled, visually impaired, medically limited, homeless, and without reliable physical-mail access. Email is his only reliable notice method. Petitioner requests that this request be routed immediately to the Court's ADA/access coordinator or designee.

Petitioner requests the following accommodations: courtesy email notice of all time-sensitive communications and deficiency notices; clear written deficiency notices; additional time to cure nonjurisdictional defects; acceptance of the timely petition subject to cure of formatting, attachment, or proof-of-service defects; permission to file accessible PDFs and supplemental materials if needed; and a written ruling on this accommodation request.

These accommodations are necessary to provide equal and full access to the Supreme Court's filing and review process. This request concerns access to the Court and does not ask the ADA coordinator or clerk's office to decide the merits of the petition.

Dated: June 10, 2026


Daniel J. Feldman, Ph.D.

Petitioner, self-represented

Mark B. Simons and Danny Y. Chou, or alternatively treatment of the filing as a preservation notice.

47. My concern was not merely that Justices Simons and Chou had ruled against me before. My concern was that they had already participated in closely related writ proceedings from the same superior-court case involving the same access-to-court, filing-access, remote-appearance, language-access, ADA, continuance, and participation issues central to the appeal.

48. Those prior Division Five proceedings were not remote background. The superior court later relied on the existence and handling of my appellate and Supreme Court filings as part of its reasoning that I had access to filing and the judicial system.

49. The superior-court filing-access issue was different from appellate filing access. My filings in the Court of Appeal or Supreme Court did not show that I had access to file in San Francisco Superior Court. The barrier I was raising concerned San Francisco Superior Court's File&ServeXpress / Electronic Filing Manager process. My filed materials stated that File&ServeXpress did not accept debit cards, that the other listed vendors still routed through File&ServeXpress, and that the system required either a credit card or a licensed attorney account. Because I was indigent, self-represented, and did not have such access, I remained blocked from filing in the superior court

even though I could still attempt emergency filings in appellate courts through different systems.

50. That is why I believe Judge East's reliance on my appellate and Supreme Court filings as proof of superior-court filing access was wrong. The fact that I could file emergency materials in appellate courts did not mean I could file in the superior court system where my trial filings, ADA requests, ex parte applications, discovery requests, and trial-readiness filings needed to be accepted.

51. In other words, the prior Division Five writ proceedings became part of the factual and procedural rationale used against me at dismissal. I then had to ask Division Five to review a dismissal that had been influenced by the prior rulings of current Division Five justices.

52. The Court of Appeal denied my motion requesting voluntary recusal of Justices Simons and Chou on April 22, 2026. The May 1, 2026 dismissal order then stated that Simons, Acting P.J., Burns, J., and Chou, J. participated in the dismissal decision.

53. I believe the qualified-justice, prior-participation, and appearance-of-fairness issue should have been expressly resolved before those same challenged justices participated in a dispositive dismissal ending A175990.

54. I also believe the September 2025 writ history was misunderstood. My position is that the later petition was not merely identical to the earlier petition because it

FILED
Superior Court of California
County of San Francisco

AUG 20 2025

CLERK OF THE COURT

By: [Signature]
Deputy Clerk

1 DANIEL J. FELDMAN, PH.D
2 13647 Aragon Way Apt 303
3 Louisville, KY 40245
4 Tel: (307) 699-3223
5 Email: danieljfeldmanphd@gmail.com

6 PLAINTIFF PRO SE

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 FOR THE COUNTY OF SAN FRANCISCO

9 UNLIMITED JURISDICTION

10 DANIEL J. FELDMAN, PH.D
11 Plaintiff

12 vs.

13 LINDA STEINHOFF HOLMES,
14 AND DOES 1-30
15 Defendants

) Case No.: CGC 21-594129

)
) **PLAINTIFF'S WRITTEN OBJECTION TO**
) **RULING ON DEFENDANT'S EX PARTE**
) **APPLICATION FOR CONTINUANCE**
) **DUE TO DENIAL OF DUE PROCESS**

)
) Date Submitted: February 6, 2025
) Date of Hearing: February 6, 2025 11:00am
) Dept. 206
) Honorable Rochelle East
) Judge Presiding

16
17 **PLAINTIFF'S WRITTEN OBJECTION TO RULING ON DEFENDANT'S EX**
18 **PARTE APPLICATION FOR CONTINUANCE**

19 TO THE COURT AND ALL PARTIES:

20 Plaintiff, **Daniel J. Feldman, Ph.D.**, submits this written objection regarding the ruling on
21 Defendant's **Ex Parte Application for an Order to Continue Trial**, adding further critical issues:
22
23
24
25
26
27

28 **PLAINTIFF'S WRITTEN OBJECTION TO RULING ON**
DEFENDANT'S EX PARTE APPLICATION FOR CONTINUANCE

--- 1 ---

1 was unable to file or have anyone file on my behalf as the Plaintiff was REMOVED
2 from the case, very coincidentally and very conveniently for big frivolous claims.

- 3 • During the time Plaintiff could not file, he should have been allowed to make oral
4 arguments at the hearings, but the clerks erroneously told the Judge that my lack of
5 filings disqualified Plaintiff, the non-moving party, from speaking, and it did not in
6 violation of Rule 8.3.
- 7 • Furthermore, the Plaintiff's motion for reconsideration could not be heard as the
8 Judge, being an Emeritus Judge, could only have a hearing scheduled by a clerk, and
9 clerks refused to reply or to schedule the hearing. To meet the filing deadline, I filed it
10 with the hearing date left blank, and for that reason, the same clerks rejected it.
- 11 • If the Court grants the Defense additional time, fairness requires that Plaintiff be
12 granted the opportunity to complete discovery.
- 13 • The Defense has been awarded an unfavorable amount of time with this Court while
14 the Plaintiff has been gagged. Plaintiff was assured by Senior Court Leadership only
15 yesterday that he would be treated fairly and judiciously by this new Judge. However,
16 that was not the case, and it appears that given the totality of the experiences in this
17 Court, that Justice, Fairness, and Accountability are too far out of reach.
- 18
19
20
21

22 **V. THE COURT IS GIVING DEFENDANT SPECIAL TREATMENT BASED ON HER**
23 **PROVEN LIES**

- 24
- 25 • Defendant has already been proven to be lying about Plaintiff allegedly attacking her, yet
26 she continues to repeat the same falsehoods in court. The Defendant and her attorney
27

28 **PLAINTIFF'S WRITTEN OBJECTION TO RULING ON**
DEFENDANT'S EX PARTE APPLICATION FOR CONTINUANCE

--- 4 ---

1 overturned a Demurrer ruling promising this Court that they had undeniable proof that
2 Plaintiff had attacked her multiple times. And yet during ten months of the case, she was
3 allowed to make Plaintiff's apartment uninhabitable, leading to the death of his 39-yr old
4 partner, his cat, and Plaintiffs him and two remaining cat.

- 5 • During that time, repeated requests to the Court to restore habitability went entirely ignored,
6 sacrificing the Plaintiff's health in fatally toxic living conditions, forcing Plaintiff to live
7 elsewhere the entire time.
- 8 • At the end of her Unlawful Detainer, despite promises to the Court of undeniable evidence
9 of Plaintiff's violence, she claims to not recall any dates of the events, there was never a call
10 to 911, there were no police reports, there were no medical bills, no injuries, no photos, no
11 videos, nothing but her family and employees on the property who said it happened.
- 12 • The Defendant's family was running a drug lab pointed out to the Plaintiff by the SFPD
13 when the Plaintiff had unintentionally reported energy theft to the authorities when PG&E
14 alerted him that new lines were added to his fuse box. He was paying for electricity in all the
15 common areas, inside and outside, the Defendant's office, her privately rented garage, and
16 the front rooms of the two apartments above his. Alerting the police to that kind of activity
17 is motivation enough for some people in that industry to want to murder you, or slander you
18 to have you thrown in jail.
- 19 • The Court is giving her special treatment based on these false claims, despite Plaintiff
20 having won in court previously by proving that her accusations were fabricated.
- 21 • This is the exact behavior that led to the defamation claims in this case, yet the Court is
22 now allowing her to weaponize the same slander to gain procedural advantages.
- 23
- 24
- 25
- 26
- 27
- 28

PLAINTIFF'S WRITTEN OBJECTION TO RULING ON
DEFENDANT'S EX PARTE APPLICATION FOR CONTINUANCE

--- 5 ---

- 1 • This Court told Plaintiff in 2020 that he had a valid defamation claim, and the
2 Defendant and attorney wrote the Plaintiff a settlement with the Judge present.
3 Plaintiff he agreed to voluntarily give up his 3-bedroom rent-stabilized apartment in
4 Duboce Triangle, they paid him \$14,000 moving costs, and the settlement was left open
5 with explicit language to collect damages estimated at the time to be well-exceeding
6 \$1M in Civil Court. This is the same Court that is now allowing the same slander to be
7 used against him, to deny him Discovery, and to allow frivolous claims that he
8 surrendered his apartment in 2019 and missed the statute of limitations to file only 8
9 months after surrendering, when clearly she had an Unlawful Detainer trying to evict
10 him until September 2020, when he prevailed and kept possession of the apartment.
11 • Plaintiff has been left destitute, unable to work, alone grieving the loss of his family,
12 and unable to access healthcare because of the Defendant's actions.
13 • The Court is now siding with the same lies that have already been disproven, leaving
14 Plaintiff with no option but to continue this hunger strike in protest.
15 • Attached is the full list of hunger strike demands centered on this case and the lack of
16 due process and prevalence of bias.
17
18
19

20
21 **VIII. REQUEST FOR RELIEF**
22

23 Plaintiff respectfully requests that the Court:
24

- 25 1. Vacate the ruling on Defendant's Ex Parte Application for Continuance due to procedural
26 due process violations.
27

28 PLAINIFF'S WRITTEN OBJECTION TO RULING ON
DEFENDANT'S EX PARTE APPLICATION FOR CONTINUANCE

--- 7 ---

2. Grant Plaintiff the opportunity to formally present his opposition before any ruling is finalized.
3. Require the Defense to submit medical documentation before granting any continuance.
4. Reconsider the refusal to reopen discovery, as the Defense was not impeded while Plaintiff was blocked from participating in discovery. In fact, she had seven attorneys at the time.
5. Issue a formal inquiry into the Defense's continued use of slanderous and disproven claims against Plaintiff within these proceedings.

Respectfully submitted,

DATED: February 6, 2025

By: 

Daniel J. Feldman, Ph.D.

Plaintiff, Pro Se

PLAINTIFF'S WRITTEN OBJECTION TO RULING ON
DEFENDANT'S EX PARTE APPLICATION FOR CONTINUANCE

--- 8 ---

ATTACHMENT

CAN YOU IMAGINE?

SUSPEND ANY DISBELIEF FOR A MOMENT TO ASK YOURSELF
WHAT WOULD YOU DO?

1 **CAN YOU IMAGINE BEING TOLD** by PG&E and the SFPD that someone is stealing
2 your electricity and that it's a narcotics lab being run from the apartments above you,
3 by your landlady and her son?

4 **CAN YOU IMAGINE RECORDING BRIBES** with DBI inspectors on your front door
5 security camera, and obtaining evidence that the narcotics division of the SFPD
6 supports the narcotics lab?

7 **CAN YOU IMAGINE REPORTING THESE CRIMES** to watchdog agencies and various
8 organizations within local government and law enforcement, including the Mayor,
9 the Chief of Police, the District Attorney, the local FBI Office, the Department of
10 Justice, the Department of Police Accountability, the Commission for DBI, the Board
11 of Supervisors, and the Controller's Office, only to have no one in seven years even
12 examine your recordings or review your evidence?

13 **CAN YOU IMAGINE THE HORROR OF EXPECTING RETALIATION** knowing they
14 know you've reported them, but being completely unable to get help, even after
15 being attacked multiple times with armed men, blinding your eye, even them stealing
16 your car that shows up on their property in Petaluma, and the Petaluma PD escort
17 you away claiming you are a nuisance?

18 **CAN YOU IMAGINE THAT THEY WOULD THEN TRY TO MURDER YOU** your
19 partner, and your pets—and that they would succeed in killing your partner, while
20 simultaneously fabricating false claims that you are an elder abuser and dragging you
21 to court for eviction based on these false charges?

22 **CAN YOU IMAGINE BEING DENIED COMPETENT LEGAL REPRESENTATION** from
23 the Eviction Defense Collaborative failing to assign you a competent lawyer, forcing
24 you to defend yourself against an experienced attorney?

25 **CAN YOU IMAGINE PROVIDING ENOUGH EVIDENCE TO PROVE THEY LIED**,
26 winning a settlement in court with a judge present, who acknowledges you have
27 grounds to sue them for over \$1,000,000 in damages—only to be told years after
28 immediately filing a lawsuit in the same court that you cannot present any of your
evidence or witnesses without an attorney?

CAN YOU IMAGINE WAKING UP EVERY MORNING destitute, with no family left,
and still having to summon the energy to call yet another lawyer, knowing they will
reject you just like the previous hundred have?

CAN YOU IMAGINE A COURT CLERK INTENTIONALLY REMOVING YOUR NAME
from your own case, so when claims are filed against you, you can't even defend
yourself—and no one stands up for you, ensuring you can't even make an oral
argument on your own behalf?

CAN YOU IMAGINE TAKING YOUR COMPLAINT ABOUT COURT CORRUPTION to
the Chief Counsel and Operations Counsel of the San Francisco Superior Court, only
for them to refuse to open an investigation, return any of your letters, or
acknowledge your requests for assistance—not without an attorney?

CAN YOU IMAGINE BEING HELD RESPONSIBLE for paying over \$600,000 in
attorneys' fees for the very people who destroyed your life—simply because, in four
years, no competent lawyer has given you any more than 30 minutes to go through
your case?

CAN YOU IMAGINE THE SLANDER FROM THE ELDER ABUSE CLAIMS told by your
landlord to a lawyer at UCSF where you received medical care, led that lawyer to
draft a zero-tolerance policy banning you from medical care with all your doctors for
violence you never committed? Can you imagine that this zero-tolerance policy
would then be distributed to every medical center you go to, ensuring that you are
met by police, trespassed, and denied medical care?

CAN YOU IMAGINE TAKING THESE CLAIMS OF DENIAL OF MEDICAL CARE to the
Office of Civil Rights and the Department of Health and Human Services, only to
have them refuse to investigate your multiple claims—while you are repeatedly
denied access to care?

WHAT WOULD YOU DO?

NOW, SERIOUSLY, WHAT WOULD YOU DO?

PLAINTIFF'S WRITTEN OBJECTION TO RULING ON
DEFENDANT'S EX PARTE APPLICATION FOR CONTINUANCE

--- 9 ---

HUNGER STRIKE DEMANDS

Dear

I, Dr. Daniel Feldman, have been systematically denied justice at San Francisco Superior Court and am about to lose everything, after losing loved ones and nearly killed over attempts to expose pervasive corruption supporting a "Silk Road" narcotics operation in Duboce Triangle. I have hard proof, including recordings of bribes with DBI officials and the involvement of members of the Narcotics Division at the SFPD and Officers in the Park District.

Chief of Police Bill Scott and Mayor London Breed were made aware of these activities and refused to respond or review any of it. In fact, the pervasiveness of this corruption includes local and federal law enforcement, brushed under the rug by District Attorneys Gascón and Boudin.

It involves members of the Controllers' Office and Board of Representatives, Mendelmann and Walker.

For seven years, I have contacted every local paper and television journalists about this story, and I have not heard a reply from a single one.

The people of San Francisco deserve better. I deserve better. My life was nearly taken more than once. My best friend was murdered. My pets and I were hospitalized multiple times. I was dragged through court for eviction on false claims of elder abuse as retaliation. I prevailed in court against Daniel Bornstein, a seasoned landlord attorney, without legal representation as no lawyer will represent a case involving corruption—it seems to muddy the waters of seeking a quick payout. He begged me to stop the trial when I sought to introduce evidence that he had suborned perjury from my landlord and her family, to make false calls to police and statements in court.

We settled in court, but no skin required from any of the multiple corrupt parties, and before the judge, we agreed that my damages were exceeding \$1M that could be sought in a civil claim. Now four years later, I face corruption at the Court, hardly surprising, with misconduct by her attorneys and clerks, they excluded my name from my own case in court records for a year, preventing me from making any motions or oppositions without them being refilled late and hand-walked through the system.

With my record still not corrected in the system and the trial scheduled for **February 24, 2025**, I have been told by the same court where I proved them all at fault and for lying that I will not be able to present any of my story or evidence. In addition to losing my entire claim based on their new lies and corruption, I will be saddled with having to pay for her seven corrupt lawyers, over \$500,000.

Can you imagine? I am left destitute and my life torn to shreds, now blinded in one eye from an armed attack and disabled because of reporting a narcotics lab and the pervasive corruption that protects such things. And despite having all the evidence in the world, and them having no defense, I will lose all of my possessions and any ability to return to work in the future because of corruption at the SFSC that the chief court counsel will not even open an investigation.

failure to address corruption complaints while in office. Why did Mendelmann refuse to investigate allegations of bribery? Why did Walker ignore DBI corruption complaints while serving as a commissioner? We demand a full public hearing on these failures."

☑ **3. Email & Call Journalists at SF Chronicle, The Guardian, The Intercept, ProPublica, & KQED**

- Ask why they have **ignored Dr. Feldman's story** for four years, even as officials he reported were later found guilty of corruption.
- Contact **Michael Barba at the SF Chronicle** and demand a response to years of unanswered emails.
- Demand investigative journalism into corruption at the DBI, SFPD Narcotics Division, Chief Bill Scott, Mayor London Breed, Board of Supervisors, the Controller's Office, Department of Police Accountability, District Attorney, Local Department of Justice and FBI Office

☑ **4. Investigate Bob Noelke, Jamie Sanbonmatsu, Alan Davison, and Others for Bribery & Corruption at the DBI, the Commission for the DBI, and Controllers' Office**

- Call or email **investigative journalists & legal watchdogs** and demand an investigation into Bob Noelke, who has been brokering bribes for landlords.
- Demand investigations into the **Department of Building Inspection (DBI) Management & Controller's Office** into their ongoing roles in facilitating fraud.

3. END PATIENT PROFILING

STOP DISCRIMINATORY DENIALS OF MEDICAL CARE, ZERO TOLERANCE POLICIES, & INSTITUTIONAL COVER-UPS

- ♦ **GOAL:** Reverse wrongful medical bans & hold UCSF accountable.

☑ **1. Call UCSF Medical Center – Demand an Investigation into Susan Pinney & Dr. Christopher Rienas**

- Dr. Lukejohn Day
- Chief Medical Officer
- UCSF Health Office of Medical Affairs and Governance
 - Phone: 415) 885-7268
 - Fax: (415) 885-7445
 - Address: 2001 The Embarcadero, Suite 1500,
 - San Francisco, CA 94143

FILED
Superior Court of California
County of San Francisco

-- AUG 20 2025

CLERK OF THE COURT

By: *[Signature]* Deputy Clerk

1 DANIEL J. FELDMAN, PH.D
HOMELESS
2 Tel: (307) 699-3223
3 Email: danieljfeldmanphd@gmail.com

4 PLAINTIFF PRO SE

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA

6 FOR THE COUNTY OF SAN FRANCISCO

7 UNLIMITED JURISDICTION

8 DANIEL J. FELDMAN, PH.D) Case No.: CGC 21-594129
9)
10 Plaintiff) **DECLARATION OF PLAINTIFF IN SUPPORT**
11) **OF THE EX PARTE APPLICATION PACKET FOR**
12 vs.) **LEAVE TO AMEND**
13)
14 LINDA STEINHOFF HOLMES,)
AND DOES 1-30)
15 Defendants) Date Submitted: August 19, 2025
16) Date of Hearing: August 21, 2025 11:00am
17)
18) Honorable Rochelle East
19 Judge Presiding

20 **DECLARATION OF DANIEL J. FELDMAN**

- 21 1. I am the plaintiff in this action and submit this declaration in support of my Ex Parte
22 Application seeking (a) a continuance/stay of the trial and associated deadlines, (b) ADA
23 accommodations to permit meaningful participation, (c) immediate preservation and
24 production of specific agency records (Sheriff and LMPD body-cam, Axon audit trail,
CAD/dispatch and call logs), (d) reopening of targeted discovery limited to the items below,
(e) reservation of sanctions and safe-harbor protection, and (f) leave to amend if discovery
confirms extrajudicial republication causing independent harm.
2. For more than seven months I was effectively removed as a plaintiff in my own case: filings
were rejected or not accepted by court staff; I was not allowed to speak in hearings; and I

PLAINTIFF'S DECLARATION IN SUPPORT OF EX PARTE APPLICATION
FOR CONTINUANCE & LEAVE TO AMEND - CGC-21-594129

--- 1 ---

1 could not file oppositions or motions for reconsideration. Court staff, including Wayne
2 Parnas and Brandon Riley, acknowledged these operational issues and told me I could later
3 seek to reopen discovery. Because I was blocked, I could not conduct discovery—no
4 motions to compel were filed, no subpoenas were enforced, and I had no practical ability to
5 respond to or oppose motions that the defense filed.

6 3. Immediately after court personnel informed me that I would have an opportunity to be
7 heard, a concerted act of retaliation occurred: my Kentucky landlords disabled my rent
8 portal; I was evicted; and my personal possessions were seized and destroyed. The
9 justification provided to the landlord repeated the identical slander that the defense has
10 advanced in this litigation.

11 4. My access to HIV medication was blocked during this campaign. My mother was denied
12 possession of my medication when she attempted to procure it. As a direct result of
13 medication denial my health deteriorated: I suffered a stroke in May 2025, and on August
14 19, 2025, my treating physician diagnosed me with AIDS and directed immediate
15 hospitalization and care. I am medically unavailable for trial on the currently scheduled date
16 and require ADA accommodations and a continuance.

17 5. Public records releases and my production requests show LMPD and Sheriff body-cam and
18 CAD/dispatch records for May 20–21 and May 27, 2025, with a critical three-minute
19 segment from May 21, 2025 unproduced. Before that gap an officer discounted any threat;
20 after the gap the narrative flipped to repeated claims that I was violent. The missing
21 segment, Axon audit metadata, call/Teams logs, and related audit trails are necessary to
22 establish who said what, when, and to whom. I have served agency requests and am
23 pursuing appeals for the redacted/missing footage. The safe-harbor email and draft motion
24 for sanctions I served on defense counsel are in the record.

PLAINTIFF'S DECLARATION IN SUPPORT OF EX PARTE APPLICATION
FOR CONTINUANCE & LEAVE TO AMEND – CGC-21-594129

---2---

1 showing my recent hospitalization and AIDS diagnosis. Representative items from the Ex
2 Parte packet are filed concurrently herewith.

3 12. I will not publicly file my private medical records in the courthouse file unless the Court
4 orders me to do so. If the Court requires review of my medical records to rule on the ex
5 parte application or on accommodations, I am prepared to lodge the necessary records
6 under seal and/or produce them to the Court for in-camera review. I respectfully request a
7 reciprocal order requiring the Defendant (or any party who invokes medical disability as a
8 reason for relief) to produce any medical proof they have relied upon in February under the
9 same seal/in-camera process. I further request that any party-to-party exchange of medical
10 information be governed by a Qualified Protective Order that prevents public disclosure of
11 the records and limits their use to this litigation only. (If the Court prefers, I will also accept
12 production by secure link or lodging to the Clerk under seal rather than uploading to the
13 public e-file.)

14 13. I declare under penalty of perjury under the laws of the State of California that the foregoing
15 is true and correct and that I executed this declaration on August 19, 2025.

16
17 Dated: August 19, 2025

18 

19 Daniel J. Feldman (Plaintiff, in pro per)
20
21
22
23
24

PLAINTIFF'S DECLARATION IN SUPPORT OF EX PARTE APPLICATION
FOR CONTINUANCE & LEAVE TO AMEND - CGC-21-594129

---6---

FILED

Superior Court of California
County of San Francisco

AUG 20 2025

CLERK OF THE COURT

By: [Signature]
Deputy Clerk

DANIEL J. FELDMAN, PH.D
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Email: danieljfeldmanphd@gmail.com

PLAINTIFF PRO SE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

DANIEL J. FELDMAN, PH.D	)	Case No.: CGC 21-594129
	)	
Plaintiff	)	PLAINTIFF'S MEMORANDUM OF POINTS AND
	)	
vs.	)	AUTHORITIES TO SUPPORT THE EX PARTE
	)	
	)	APPLICATION PACKET FOR LEAVE TO AMEND
LINDA STEINHOFF HOLMES,	)	
AND DOES 1-30	)	Date Submitted: August 19, 2025
Defendants	)	Date of Hearing: August 21, 2025 11:00am
	)	
	)	Honorable Rochelle East
	)	Judge Presiding

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR:

- (1) CONTINUANCE / STAY;
- (2) ADA ACCOMMODATIONS;
- (3) REOPENING DISCOVERY (PLAINTIFF ONLY);
- (4) LEAVE TO AMEND;
- (5) PRESERVATION & TARGETED PRODUCTION ORDERS;
- (6) CALENDARING OF PREVIOUSLY IGNORED SANCTIONS/RELIEF; AND
- (7) SANCTIONS (RESERVED)

PLAINTIFF'S MEMO OF POINTS AND AUTHORITIES TO SUPPORT EX PARTE APPLICATION FOR
CONTINUANCE AND LEAVE TO AMEND - CGC-21-594129

--- 1 ---

1 **C. Discovery Must Be Reopened**

2 Discovery has been blocked for over seven months due to clerk misconduct and court refusals.

3 Essential evidence is outstanding: full Sheriff's body-cam, Axon audit logs, dispatch/CAD records,
4 and call/Teams logs. Multiple new witnesses must be subpoenaed: Defendant Holmes, Curtis
5 Holmes, James Severance, Reggie Snowden, Daniel Bornstein, Jonathan Bornstein, Ivy staff, and
6 the staff of the Human Relations Commission in Louisville. Under CCP § 2024.050, a minimum of
7 120 days is necessary.

8
9 **D. Targeted Production & Corrective Orders Are Required**

10 Because the Sheriff's body-cam footage depicts Plaintiff's home and belongings, it should be
11 produced exclusively to Plaintiff. Defendants and counsel must withdraw any "safety" assertions
12 provided to LMPD, the Sheriff, or the Louisville HRC that have caused redaction/withholding, and
13 issue corrective notices to landlords and UCSF. UIDDA subpoenas should be expressly authorized.

14
15 **E. Sanctions Posture & Reservation (Safe Harbor)**

16 Plaintiff has served (but not filed) a draft sanctions motion under CCP § 128.7, identifying
17 frivolous filings repeating disproven slander. This preserves Plaintiff's rights while giving
18 Defendants the 21-day safe-harbor period to withdraw or correct. Plaintiff does not seek sanctions
19 adjudication today; only time and access to complete the record.

20
21 **F. Oversight & Judicial Fairness**

22 This request is being monitored for fairness by the Chief Executive Counsel of the San Francisco
23 Superior Court, who previously assured Plaintiff in February 2025 that rules would be followed.
24 Those assurances were broken almost immediately thereafter. Plaintiff notes that Judge East has a

PLAINTIFF'S MEMO OF POINTS AND AUTHORITIES TO SUPPORT EX PARTE APPLICATION FOR
CONTINUANCE AND LEAVE TO AMEND – CGC-21-594129

--- 5 ---

preservation and targeted production orders, reopening of discovery, and related relief from filing barriers.

23. I also raised issues concerning medical limitations, access to court, filing-access barriers, party-listing irregularities, discovery, summary adjudication, and the prejudice caused by being unable to fully participate in my own case.
24. My appeal, A175990, was not a narrow appeal from a missed appearance. It was my attempt to obtain review of the September 8, 2025 dismissal and the broader procedural history that led to it.
25. I filed the notice of appeal on March 9, 2026. I appealed from the September 8, 2025 dismissal, including the corresponding minute order, permanent minutes entry, register entry, and any written order reflecting that dismissal.
26. When the Court of Appeal raised the Civil Case Information Statement and appealed-order problem, I contacted San Francisco Superior Court Civil Records and the Court of Appeal clerk's office to determine what dismissal record existed.
27. I explained that I had not been served with a separate signed dismissal order and that the available record appeared to be the September 8, 2025 register or mini-minutes entry.
28. Deputy Clerk Carolyn Ford first rejected or questioned filings related to the dismissal-record problem

and the prior Division Five participation issue. In the April 1, 2026 email thread, she stated that "the court is well aware of Mr. Feldman's other cases."

29. That statement was significant to me because A175990 was a new appeal, and my concern was precisely that Division Five retained institutional familiarity with my prior related proceedings. I understood the statement as confirming why the prior-participation and appearance-of-fairness issue needed to be addressed before any dispositive ruling.
30. In the same general sequence, my questions about how to cure the unusual dismissal-record problem were characterized as legal advice or as not court-process questions. I was trying to comply with the rules, but I could not obtain a signed dismissal order that did not appear to exist.
31. Deputy Clerk Carolyn Ford later instructed me to attach the mini-minutes to the Civil Case Information Statement. I followed that instruction.
32. Beth Robbins later confirmed that I had attached the mini-minutes and resubmitted the CCIS and that the CCIS had been accepted. Because of that accepted refiling, I believed in good faith that I had cured the appealed-order attachment defect and that the appeal was proceeding toward ordinary record processing.
33. I later learned that the Court of Appeal had issued an April 6, 2026 order requiring either a signed dismissal

order or judgment, or a separate appealability letter brief. I did not understand that this additional response remained required after the accepted mini-minutes filing.

34. I accept responsibility for not discovering earlier that TrueFiling notices were not reaching my ordinary review workflow. I later discovered that TrueFiling emails had been routed away from my normal inbox.

35. I was checking the TrueFiling site because that is where I understood filing status, rejections, and activity would appear. It was the first time TrueFiling had sent e-mail service to me in this posture and did not understand that a separate order requiring a new filing had issued after the accepted mini-minutes cure.

36. I continued to believe the appeal was active. I attended First District appellate self-help/CASHW-First sessions three times because I believed A175990 remained pending and that I was waiting for normal record processing: April 1, 2026, May 6, 2026, and June 3, 2026.

37. On June 3, 2026, during the CASHW-First workshop, I first understood that A175990 had already been dismissed on May 1, 2026. I was shocked because I had not seen the dismissal through the TrueFiling site in the way I expected.

38. I also raised the unusual missing-order problem during appellate self-help/CASHW-First consultations. My understanding from those consultations was that the absence of a separate signed dismissal order or notice of

dismissal was unusual and not something the volunteers treated as a routine defect. I do not offer those conversations as legal authority. I offer them only to explain my good-faith confusion, my continued belief that I was trying to cure an unusual court-record problem, and why I believed I was waiting for the appellate record process rather than abandoning the appeal.

39. Once I understood that the appeal had been dismissed, I acted promptly. On June 4, 2026, I filed or attempted to file a motion to vacate dismissal, reinstate the appeal, permit late filing of a supplemental response to the April 6 order, and, if necessary, stay or recall remittitur.
40. I also renewed my request to San Francisco Superior Court Civil Records for a signed dismissal order or judgment, or written confirmation that none existed.
41. I also repeatedly sought help from San Francisco Superior Court Civil Records concerning the absence of a signed dismissal order or judgment. I had not received a separate Notice of Entry, signed dismissal order, or filed-endorsed judgment. I asked for the September 8, 2025 dismissal minute order, permanent minutes, mini-minutes, signed dismissal order, judgment, or written confirmation if none existed.
42. Civil Records first directed me to the mini-minutes on the public website. That is why I understood the September 8, 2025 mini-minutes/register entry to be the operative court-generated dismissal record available to me. Later,

after A175990 had been dismissed, I renewed the request for a signed dismissal order or judgment, or written confirmation that none existed. Civil Records responded that, after reviewing the register of actions, there did not appear to be any signed order following the September 8, 2025 ruling to dismiss the case.

43. I understood that response as confirming that the same missing signed order used to dismiss the appeal was not something I had simply failed to attach. It was a court-record gap. I had asked the superior court how to cure it, and I was pointed back to the mini-minutes or register rather than given a signed dismissal order.
44. The Court of Appeal's April 6, 2026 order itself stated that no signed order or judgment dismissing the action had been entered in the trial court. The May 1, 2026 dismissal then dismissed my appeal for not complying with that order and because the minute entry, without a signed order or judgment, was not appealable.
45. From my perspective, that sequence is profoundly unfair. The missing signed order was a court-record defect. It was the reason a cure, clarification, or limited remand was needed. It should not have become the basis for ending appellate review.
46. I also raised a prior-participation and qualified-justice issue before dismissal. On April 3, 2026, I filed a verified motion requesting voluntary recusal of Justices

instructions to attach the mini-minutes, received confirmation that the CCIS with mini-minutes had been accepted, and reasonably believed the appeal was awaiting ordinary record processing.

60. I respectfully submit that losing all appellate review under those circumstances is disproportionate and unjust. The dismissal leaves serious verified allegations, sworn disability-access evidence, and preserved procedural objections unheard on the merits.

61. I do not ask the Supreme Court to decide every factual allegation or damages issue in this petition. I ask the Court to restore appellate review because dismissal of A175990 leaves serious verified allegations, sworn disability-access evidence, and preserved procedural objections without any meaningful review.

62. I respectfully request that the Supreme Court grant review, or transfer/remand the matter with directions to vacate the dismissal, reinstate the appeal, resolve the prior-participation and qualified-justice issue, and permit a disability-accessible cure of any signed-order or appealability defect.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 10, 2026.

Daniel J. Feldman, Ph.D. 

Petitioner, self-represented

FILED
San Francisco County Superior Court

AUG 21 2025

CLERK OF THE COURT

BY: Jackie C. [Signature]
Deputy Clerk

DANIEL J. FELDMAN, PH.D
HOMELESS
Tel: (307) 699-3223
Email: danieljfeldmanphd@gmail.com

PLAINTIFF PRO SE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

DANIEL J. FELDMAN, PH.D	)	Case No.: CGC 21-594129
	)	
Plaintiff	)	PLAINTIFF'S STAND-ALONE
	)	
vs.	)	EX PARTE APPLICATION
	)	
	)	Date Submitted: August 21, 2025
LINDA STEINHOFF HOLMES,	)	Date of Hearing: August 21, 2025 11:00am
AND DOES 1-30	)	
	)	
Defendants	)	Honorable Rochelle East
	)	Judge Presiding
	)	

PLAINTIFF'S EX PARTE APPLICATION FOR:

1. Continuation/Stay of Trial & All Deadlines for 180 days (not less than 120 days);
2. ADA/CRC 1.100 accommodations (email/paper filing accepted by Clerk; remote appearance; extended time; sealing of medical materials);
3. E-filing access parity (clerk-accepted email filings; email service deemed effective while File&Serve lockout persists);
4. Reopening Discovery for Plaintiff Only (180-day window) to rebuild the seized/lost physical record and complete limited depositions;

PLAINTIFF'S STAND ALONE EX PARTE APPLICATION

CGC-21-594129

--- 1 ---

- 1 5. **UIDDA subpoenas + corrective notices** to LMPD, Jefferson County Sheriff,
2 MetroSafe/911, and Louisville Metro HRC (HUD #04-25-8419-8);
- 3 6. **Retraction/Non-Republish & Curative Notice Order (health-care recipients included):**
4 directing Defendants and their counsel to (i) withdraw and not repeat extra-judicial
5 statements that Plaintiff is “violent” or “dangerous”; (ii) **within 3 court days**, serve a
6 **Retraction/Curative Notice on UCSF Health (including UCSF Health Risk**
7 **Management, Attn: Susan Penny)** and on **every health-care provider or system** to whom
8 they made or caused publication of such statements, as well as on **Louisville Metro HRC**
9 and any **Kentucky landlords** they contacted; and (iii) **request removal** of any
10 “safety/violence” flags referencing Plaintiff—including in UCSF MyChart/Epic—
11 **pending further order of this Court.** (*Form notice attached as Exhibit F*)
- 12 7. **Nunc pro tunc docketing of July 7 filings** (Expert Disclosure; Change of
13 Address/Renewed Objection; Proof of Service).

14 **Good cause & record support.**

15 The Aug. 19 Packet already noticed today’s hearing and seeks this relief;

- 16 • the Packet describes ongoing medical/disability barriers, homelessness from an unlawful
17 eviction, and the seizure/destruction of Plaintiff’s litigation file.
- 18 • Plaintiff served his July 7 Expert Disclosure and Renewed Objection (requesting email-only
19 service and reopening discovery for Plaintiff only);
- 20 • those papers were not docketed due to File&Serve lockout.
- 21 • Defense meanwhile noticed the deposition of Plaintiff’s retained expert Richard Fanelli for
22 Aug. 18—underscoring the current disparity.
- 23
- 24

- Metro-Safe/LMPD dispatch/BWC records and HRC records tied to HUD #04-25-8419-8 remain outstanding or withheld;
- emails show HRC custodians (Grace Walsh; Chase Medved) and ongoing production roadblocks, warranting UIDDA subpoenas and limited depositions.

Authority (cited in Aug. 19 Packet and incorporated):

- CRC 1,100 (ADA accommodations);
- CRC 2.253(b)(2) (pro se exemption from mandatory e-filing) &
- 2.253(b)(4) (undue hardship relief);
- Title II ADA (reasonable modifications/effective communication);
- and Tennessee v. Lane (access-to-courts).

Requested orders appear in the [Proposed] Order below.

Dated: August 21, 2025



Daniel J. Feldman, Ph.D., Plaintiff in pro per

APPLICATION FOR LEAVE TO LODGE ADDITIONAL CRITICAL MATERIALS

Petitioner respectfully applies for leave to lodge additional critical materials if the Court requires or permits them. The petition attaches the May 1, 2026 dismissal order as required, and also includes the April 6, 2026 cure order and April 22, 2026 order denying recusal because those orders are unusually significant to the questions presented.

Good cause exists to permit lodging of additional materials because this petition turns on a narrow but unusual procedural record: the absence of a signed dismissal order, the clerk-directed mini-minutes cure, the reasonable-reliance issue, the Rule 1.100 disability-access issue, and the prior-participation / qualified-justice issue.

The additional materials Petitioner seeks leave to lodge, if accepted, are:

1. April 1–2, 2026 Carolyn Ford / Division Five clerk email thread, including the rejection stating that “the court is well aware of Mr. Feldman’s other cases,” the statements that Petitioner’s questions were legal advice or not court-process questions, and the later instruction to attach the “mini minutes” to the Civil Case Information Statement.
2. April 3, 2026 Beth Robbins email confirming that Petitioner had attached the mini-minutes and resubmitted the CCIS, “which has now been accepted.”

3. April 2026 San Francisco Superior Court Civil Records email directing Petitioner to the mini-minutes on the public website.
4. June 4, 2026 renewed Civil Records request seeking a signed dismissal order or judgment, or written confirmation that none existed.
5. June 5, 2026 San Francisco Superior Court Civil Records response stating that, after review of the register of actions, there did not appear to be any signed order following the September 8, 2025 dismissal.
6. Any CASHW-First workshop registration, reminder, or attendance-related documentation for April 1, May 6, or June 3, 2026, offered only to show Petitioner's good-faith belief that the appeal remained active and that he was seeking appellate self-help assistance.

These materials are unusually significant because they show that Petitioner repeatedly attempted to cure the missing-order problem; that court staff directed him to the mini-minutes; that the refiled CCIS was accepted; that the superior-court record did not appear to contain a signed dismissal order; and that Petitioner's failure to respond to the April 6 order occurred in the context of good-faith reliance and an unresolved court-record defect, not abandonment.

1 DANIEL J. FELDMAN, PH.D
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2 Tel: (307) 699-3223
Email: danieljfeldmanphd@gmail.com

3 PLAINTIFF PRO SE

4 SUPERIOR COURT OF THE STATE OF CALIFORNIA

5 FOR THE COUNTY OF SAN FRANCISCO

6 UNLIMITED JURISDICTION

7 DANIEL J. FELDMAN, PH.D

8 Plaintiff

9 vs.

10 LINDA STEINHOFF HOLMES,
11 AND DOES 1-30

12 Defendants

) Case No.: CGC 21-594129

) **PLAINTIFF SUPPLEMENTAL DECLARATION IN
SUPPORT OF EX PARTE APPLICATION ON
EXCEPTIONAL CIRCUMSTANCES**

) Date Submitted: August 21, 2025

) Date of Hearing: August 22, 2025 Time TBD

) Department 301 Law & Motion

) Honorable Christine van Aken

) Judge Presiding

14
15 **Supplemental Declaration in Support of Ex Parte Application**
16 **on Exceptional Circumstances**

17 I, Daniel J. Feldman, Ph.D., declare:

- 18 1. **Personal knowledge.** I am the Plaintiff. I have personal knowledge of the facts below and
19 could competently testify to them.
- 20 2. **Medical/ADA status.** I am presently seriously ill and recently hospitalized, with ongoing
21 vision-threatening complications and functional limitations that impede
22 preparation/appearance. I submitted MC-410 (ADA Accommodation Request). Both ADA
23 Coordinators, Melinka Jones and Joy Guandique, have been out of office this week; I left
24 a detailed voicemail and sent emails yesterday morning; the OOO responses are attached. I

PLAINTIFF'S DECLARATION in EX PARTE APPLICATION ON EXCEPTIONAL CIRCUMSTANCES

CGC-21-594129

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FILED
San Francisco County Superior Court

AUG 22 2025

CLERK OF THE COURT

By Sandra Schie
Deputy Clerk

1 can provide **provider documentation under seal** promptly, but I need **immediate interim**
2 **relief** today. The Court has previously applied a double-standard with not requiring Medical
3 Proof from Defendant, and I will make the release of my medical proof conditional upon the
4 same requirement made of the Defendant.

5 3. **E-filing lockout.** I remain locked out of **File&Serve/approved EFSPs** due to
6 **credit-card/attorney requirements**. As a pro se litigant who is homeless and hospitalized
7 outside California, I cannot use in-person or mail filing. I have been **serving all parties by**
8 **email** and seeking **clerk-accepted email filing** under **CRC 1.100** pending restoration of
9 e-filing access.

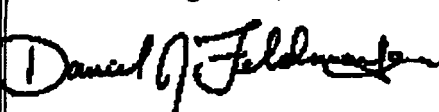
10 4. **BWC/dispatch evidence.** On/about **August 1, 2025**, I received **LMPD body-worn camera**
11 **(BWC)** clips relating to **May 20–21 and May 27, 2025** events (including **LMPD250175904**
12 and **LMPD250175409**). In these clips, Ivy personnel and multiple lawyers on
13 **speaker-phone repeat slanderous accusations of the Defendant, the heart of my case,**
14 **(violent/rapist/elder abuser/hurting children/even “wanted for murder in California”)** to
15 justify the eviction. Several **minutes of footage are missing**, and **redactions** appear to have
16 been applied. I seek **preservation, unredacted production, Axon audit trails**, and
17 **CAD/dispatch logs**, along with **remote depositions of Officer Anthony Padgett (LMPD),**
18 **Ashley Lemons, Alfredo Carballo, Christian “Blake” Heath, Mary Beth Woodard, and**
19 **Andrew Chamberlain.**

20 5. **Prejudice/urgency.** Without a short stay, **email-filing parity, OST, and preservation**, I
21 risk irreparable prejudice: loss of evidence (BWC/audit/dispatch), inability to file/serve, and
22 inability to be heard on the discovery/retraction motions.
23
24

1 6. **Non-duplication.** Dept. 206 addressed **nunc pro tunc** today; the relief I ask Dept. 301 for
2 is **interim** and **non-duplicative** (14-day pause; email-filing accommodation; OST;
3 preservation).

4 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
5 and correct.

6 Executed: August 21, 2025

7 
8

9 Daniel J. Feldman, Ph.D., Plaintiff in pro per
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PLAINTIFF'S DECLARATION iso EX PARTE APPLICATION ON EXCEPTIONAL CIRCUMSTANCES

CGC-21-594129

--- 3 ---

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4 PLAINTIFF PRO SE

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA

6 FOR THE COUNTY OF SAN FRANCISCO

7 UNLIMITED JURISDICTION

8 DANIEL J. FELDMAN, PH.D

9 Plaintiff

10 vs.

11 LINDA STEINHOFF HOLMES,
AND DOES 1-30

12 Defendants

) Case No.: CGC 21-594129

) **NOTICE RE JULY 7 FILINGS & REQUEST
FOR NUNC PRO TUNC ENTRY**

) Date Submitted: August 21, 2025

) Date of Hearing: August 21, 2025 11:00am

) Honorable Rochelle East
Judge Presiding

15 **NOTICE RE JULY 7 FILINGS & REQUEST FOR NUNC
16 PRO TUNC ENTRY**

17 **NOTICE:** Plaintiff requests docketing as of July 7, 2025 (nunc pro tunc)—or, alternatively,
18 deeming timely as of today—of the three documents that were prepared and served on defense on
19 July 7 but not docketed due to File&Serve lockout:

- 20 1. Expert Disclosure & Formal Objection to Defense Psychiatric Evaluation;
21 2. Notice of Change of Address & Renewed Objection to Unfair Trial and Denial of Due
22 Process (requests email-only service & reopening discovery for Plaintiff only);
23 3. Proof of Service dated July 7, 2025.
24

PLAINTIFF'S NOTICE OF REQUEST FOR NUNC PRO TUNC ENTRY
CGC-21-594129

--- 1 ---

FILED
San Francisco County Superior Court

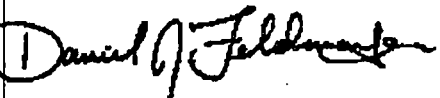
AUG 21 2025

CLERK OF THE COURT

BY: *[Signature]* Deputy Clerk

1 **Basis in record:** The **Ex Parte Packet** already seeks this relief; today's stand-alone Application
2 simply separates the filing for the docket.

3
4 **Dated:** August 21, 2025

5 

6 Daniel J. Feldman, Ph.D., Plaintiff in pro per

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PLAINTIFF'S NOTICE OF REQUEST FOR NUNC PRO TUNC ENTRY

CGC-21-594129

---2---

- 1 **3. How the Slander Was Recycled to Gain Advantage.** Despite that resolution, the same
2 unproven “violence” narrative was revived to influence court personnel and third parties,
3 including my landlords and health providers—causing resource loss, housing loss, and
4 disruption of HIV treatment.
- 5 **4. Conflict at MSC / Mediator-Referee.** In 2020 and again in August 2024, the settlement
6 conference was overseen by **Martin F. Triano**, who disclosed a long-standing personal
7 familiarity with the defendant’s family and nevertheless **did not recuse**. He also permitted
8 participation by unidentified persons without proper notice, further undermining neutrality
9 and my ability to protect my interests. That episode is part of the **procedural blockades**
10 giving rise to the relief sought here.
- 11 **5. Coordinated Timing With Clerk-Side Interference.** At multiple points (including a
12 seven-month window), I was **barred from effective e-filing** by clerk-side manipulation
13 confirmed by **three different e-filing vendors**, coinciding with the timing of **frivolous**
14 **filings** by defense counsel. This is **not accidental**—it is intentional obstruction of access to
15 the court, and it prejudiced my ability to move, oppose, and preserve the record (including a
16 timely **motion for reconsideration** on summary judgment issues).
- 17 **6. Medical Harm and Resource Deprivation.** Defendants’ conduct (and downstream slander)
18 precipitated my **unlawful eviction**, seizure/loss of property and records, and **interruption of**
19 **HIV medication**, leaving me with almost no resources to subpoena, depose, or analyze
20 critical evidence (body-cam, audio, ESI). The resulting medical crisis is documented in
21 records submitted under seal.

1 **2. Pre-2020 inability to obtain counsel**

- 2
- 3 • Despite extensive efforts (including >20 visits to the Tenants Union), no attorney would take
- 4 the matter (complexity/political sensitivity), leaving Plaintiff without meaningful access to
- 5 court.

6 **3. 2020 retaliatory eviction posture during COVID**

- 7
- 8 • Landlord's claims contradicted prior disclosures; "violence" was invoked to push
- 9 proceedings during pandemic stays.

10 **4. 2020–2021 self-help/ADA breakdown**

- 11
- 12 • Self-help non-response (months) and unanswered requests to the ADA coordinator left
- 13 Plaintiff without accommodations despite CRC 1.100.

14 **5. Clerk interference/gatekeeping**

- 15
- 16 • Filings were blocked or mis-indexed; at times Plaintiff's name was removed from the
- 17 docket, silencing filings and objections.

18 **6. Defense exploitation of the silence**

- 19
- 20 • Multiple defense counsel cycled filings; false assertions (e.g., "early surrender") were
- 21 advanced when Plaintiff was procedurally blocked.
- 22
- 23
- 24

1 Similar to that my security camera has recorded her speaking loudly on the sidewalk and across the
2 backyard fence telling neighbors that I am not really a psychologist and that if I am, I should have my
3 license revoked. Worst of all, she has claimed that I abuse elders.

4
5 In contrast to my well-documented history, this Unlawful Detainer has been summed up by the Plaintiff
6 in a few sentences from May 2013 to present accusing me falsely of events that have no witnesses other
7 than her employees, no dates, no times, no police reports, no dispatched officers for assault, no charges
8 against me for assault, no medical bills or reports for injuries about assaults, multiple (almost 50 calls) to
9 the SFPD about noise nuisance which the SFPD has confirmed for me that in not a single instance did the
10 arriving officers witness any noise disturbance at all. The false complaints about noise ended in
11 November 2019 when an officer on the front porch threatened to arrest Mr. Severance if he continued to
12 make false nuisance reports.

13
14
15 CHALLENGED BY BEING IN PRO PER, NOT BY CHOICE:

16
17 I have petitioned every legal organization for help in this matter and have been unable to find
18 representation after the EDC assigned lawyer, Mr. Pfost, had to move out of town suddenly for a family
19 illness. And with all due respect, the court has not upheld the law to allow individuals to represent
20 themselves without prejudice during Covid. I have made dozens of calls to the Self-Help Access Center
21 in accordance with the rules posted on the website, and I have not had a single returned email or phone
22 call in four months. Likewise, all of my calls to the ADA Disability Advocates for the court have gone
23 unanswered for four months. The EDC will not assign another attorney and outside of filing the answer,
24 they claim they cannot do anything further to assist me or find me representation. For four months, I have
25 been listed on every lawyer referral service, and I have contacted every tenant lawyer in San Francisco
26 more than once, without a response, other than one who consulted in the preparation of the demand for
27 Discovery served to the opposing Counsel.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

MINUTES

September 15, 2020

LINDA STEINOFF HOLMES

PLAINTIFF

VS.

DANIEL FELDMAN et al

DEFENDANT

Department: 306

Case Number: CUD-19-666401

Nature of Cause:

U.D. Jury Trial / Settlement

Present:

Judge: RICHARD B. ULMER

Reporter: Not reported

Clerk: CLARK BANAYAD

Bailiff: None

Appearing for Plaintiff (s):

Daniel M. Bornstein, Esq.

Daniel H. Cheung, Esq.

BORNSTEIN LAW

507 Polk Street, Suite 310

San Francisco, CA 94102

T. 415-409-7611

E. daniel@bornstein.law

Appearing for Defendant(s):

Daniel Feldman

8809 Denington Drive

Louisville, KY 40222

T. 307-699-3223

Defendnat In Pro Per

The above-entitled cause comes on calendar this day, having been assigned from Department 206, for Jury Trial. The Court, courtroom staff, counsel and parties are present as noted above.

The parties address the possibility of settlement. The Court allows the parties to engage in settlement negotiation outside its presence. The case settles. The parties enter into a signed agreement, Stipulation for Entry of Judgment.

Court adjourns.

Case Number: CUD-19-666401

Case Title: LINDA STEINOFF HOLMES VS. DANIEL FELDMAN ET AL

-1-

Date: September 15, 2020

Form: C01006

1 Daniel Marc Bornstein (SBN 169159)
2 Daniel Cheung (SBN 264971)
3 Bornstein Law
4 507 Polk Street, Suite 410
5 San Francisco, CA 94102-3396
6 Telephone: (415) 409-7611
7 Facsimile: (415) 409-9345

8 Attorneys for Plaintiff

FILED
San Francisco County Superior Court
SEP 15 2020
CLERK OF THE COURT
By: *[Signature]*
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 IN AND FOR THE COUNTY OF SAN FRANCISCO

11 - LIMITED CIVIL JURISDICTION -

12 Linda Steinhoff Holmes,

13 Plaintiff,

14 vs.

15 Daniel Feldman, et al.,

16 Defendants.

) Case Number: CUD-19-666401

)
) STIPULATION FOR ENTRY OF FUTURE
) JUDGMENT.

17 Plaintiff(s) Linda Steinhoff Holmes (hereinafter "plaintiff") and defendant(s) Daniel Feldman

18 (hereinafter "defendant") hereby freely and voluntarily stipulate and agree as follows:

19 1. IT IS HEREBY STIPULATED THAT PLAINTIFF SHALL HAVE JUDGMENT AGAINST
20 DEFENDANT IF DEFENDANT FAILS TO DO THE FOLLOWING:

21 a. Defendant warrants that defendant is the only tenant and/or occupant at the SUBJECT PREMISES,
22 884 14th Street, San Francisco, CA.

23 b. Defendant shall vacate 884 14th Street, City and County of San Francisco, State of California,
24 (hereinafter "subject premises") on or before 5:00 p.m., October 15, 2020. "Vacate" means to leave the
25 premises free of all occupants, ~~personal possessions~~ and debris, and in broom-clean condition, and to deliver
26 all keys and garage door openers, if any, to plaintiff or plaintiff's agent.
27
28
29

[Signature]
Plaintiff
Judgment Pursuant to Stipulation

[Signature]
Defendant

Defendant

Defendant

Dated: _____
Page 1 of 11

1 cannot hereafter make further claims or seek any further recovery of any nature whatsoever based upon,
2 arising out of, or in connection with disputes between defendant and plaintiff and/or plaintiff's agents,
3 partners, trustees, officers, attorneys, directors, property managers, employees, independent contractors, and
4 all others associated with plaintiff and/or acting on behalf of plaintiff, including all owners of the SUBJECT
5 PREMISES, or any of them. Defendant also hereby expressly waives all unknown claims caused by, or
6 alleged to be caused by any act and/or omission of plaintiff and/or plaintiff's agents, partners, trustees,
7 attorneys, officers, directors, property managers, employees, independent contractors, and all others
8 associated with plaintiff and/or acting on behalf of plaintiff, including all owners of the SUBJECT
9 PREMISES, or any of them from the beginning of time up to and including the day this judgment is fully
10 executed. Defendant also expressly waives defendant's right, if any, to petition the court or seek relief from
11 forfeiture. Defendant acknowledges that he/she voluntarily executed this agreement with full knowledge of
12 its significance and with the express intent of affecting the legal consequences provided by Section 1542 of
13 the California Civil Code, i.e., the extinguishment of all obligations, except those expressly reserved. The
14 following claims are expressly reserved: defendant agrees to defend, indemnify, provide contribution and
15 save plaintiff from any and all loss, claim, expense, suits, arbitration, demand or causes of action of any
16 kind or character asserted by anyone other than defendant.

17 f. Nothing contained herein shall be construed as an admission by any party hereto of any liability of
18 any kind to any other party and/or to any other person and/or entity. *The parties reserve*
19 *all their respective claims.*

20 g. If defendant complies with all the terms herein, then plaintiff shall execute a request for dismissal of
21 this action with prejudice, provided by defendant. Notwithstanding a judgment being vacated and/or this
22 matter being dismissed with prejudice, all promises and agreements made by the parties shall remain in full
23 force, the parties will continue to be and remain bound by all the terms stated herein and the benefits and
24 burdens of this agreement on the parties shall remain even if such is vacated and/or dismissed.

25
26
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Plaintiff
Judgment Pursuant to Stipulation

DF
Defendant

Defendant

Defendant

Dated: _____
Page 5 of 11

Addendum A

1. Plaintiff shall provide Defendant \$11,000 (eleven thousand dollars) upon timely surrender of possession of the premises, leaving the premise vacant free of all possessions & occupants & in broom clean condition.
2. Plaintiff shall not require Defendant to pay any past due or future rent provided ~~he~~ he vacate timely.
3. Plaintiff is entitled to seek an offset against rent owed & the \$11,000 provided to Defendant in the event Defendant files a lawsuit against Plaintiff.

[Signature]

Initial DF

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Daniel Cheung (SBN 264971) Bornstein Law 507 Polk Street, Suite 310 San Francisco, CA 94102-3396 TELEPHONE NO.: (415) 409-7611 FAX NO. (Optional): (415) 463-2349 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Linda Steinhoff Holmes	FOR COURT USE ONLY FILED San Francisco County Superior Court NOV 09 2020 CLERK OF THE COURT BY: <i>[Signature]</i> Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Civic Center Courthouse	CASE NUMBER: CUD-19-666401
PLAINTIFF/PETITIONER: Linda Steinhoff Holmes DEFENDANT/RESPONDENT: Daniel Feldman	
REQUEST FOR DISMISSAL	
A conformed copy will not be returned by the clerk unless a method of return is provided with the document. This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)	

1. TO THE CLERK: Please dismiss this action as follows:

- a. (1) ☒ With prejudice (2) ☐ Without prejudice
- b. (1) ☐ Complaint (2) ☐ Petition
- (3) ☐ Cross-complaint filed by (name): _____ on (date): _____
- (4) ☐ Cross-complaint filed by (name): _____ on (date): _____
- (5) ☒ Entire action of all parties and all causes of action
- (6) ☒ Other (specify):* Parties to bear their own fees and costs.

2. (Complete in all cases except family law cases.)

The court ☒ did ☐ did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).

Date: 10/30/2020

Daniel Cheung (SBN 264971).....

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

* If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

[Signature]
 (SIGNATURE)
 Attorney or party without attorney for:

- ☐ Plaintiff/Petitioner ☒ Defendant/Respondent
☐ Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date:

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☒ PARTY WITHOUT ATTORNEY)

** If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for the cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(i) or (j).

[Signature]
 (SIGNATURE)
 Attorney or party without attorney for: **CA**

- ☒ Plaintiff/Petitioner ☒ Defendant/Respondent
☒ Cross-Complainant

(To be completed by clerk)

4. ☐ Dismissal entered as requested on (date): _____
5. ☐ Dismissal entered on (date): _____ as to only (name): _____
6. ☐ Dismissal not entered as requested for the following reasons (specify): _____

7. a. ☐ Attorney or party without attorney notified on (date): _____
- b. ☐ Attorney or party without attorney not notified. Filing party failed to provide
☐ a copy to be conformed ☒ means to return conformed copy

Date:

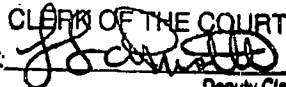
Clerk, by _____, Deputy

Page 1 of 2

1 JULIEN SWANSON (SBN 193957)
2 584 Castro St #2126
3 San Francisco, CA 94114-2512
4 Tel: (415) 282.4511
5 Fax: (415)282.4536
6 swanson@austinlawgroup.com

FILED
Superior Court of California
County of San Francisco

JUL 28 2021

CLERK OF THE COURT
BY: 
Deputy Clerk

Attorneys for Plaintiff DANIEL FELDMAN, Ph.D.

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO - UNLIMITED

Case No. **CGC-21-594129**

DANIEL FELDMAN, Ph.D.,

Plaintiff,

v.

LINDA STEINHOFF HOLMES, an individual;
and DOES 1-10, inclusive,

Defendants.

**PLAINTIFF'S COMPLAINT FOR DAMAGES
AND DEMAND FOR JURY TRIAL:**

1. Constructive Eviction;
2. Retaliatory Eviction;
3. Negligence Per Se;
4. Negligence/Personal Injury;
5. Breach of the Warranties of Habitability;
6. Breach of Covenant of Quiet Enjoyment;
7. Defamation;
8. Intentional Infliction of Emotional Distress;
9. Unlawful Business Practice;
10. Nuisance.

INTRODUCTION

1. This action stems from the harassment and the constructive, wrongful and retaliatory eviction of the Plaintiff from his rent controlled San Francisco apartment.

2. The Plaintiff, Daniel Feldman, is a Clinical Neuropsychologist and a long time survivor of HIV.

3. As a result of the Defendant-landlord Linda Steinhoff Holmes' illegal actions as they are described herein, Dr. Feldman lost not only his housing he was forced to spend tens of thousands of dollars in relocation expenses.

4. Moreover, his ability to work and earn income as well as his ability access medical treatment was interfered with by Holmes, who defamed him, tarnished his reputation with his neighbors and his medical providers and falsely accused him of being violent, dangerous, and mentally unsound.

5. He remains traumatized by the events that are described herein.

6. He also remains without stable housing as a direct result of these events.

7. Over the course of his tenancy, which spanned from 2013 until 2019, Dr. Feldman made complaints to the City's building inspector about the unlivable and unsafe conditions on the property, to the police and district attorney about the drug dealing being conducted from the upstairs units, and to the United States Attorney about the corruption he witnessed with city officials accepting bribes and refusing to remedy the unsafe conditions or drug activity.

8. In return, Ms. Holmes made living at the Property hell for him, culminating in his constructive eviction in December 2019, and the subsequent, retaliatory unlawful detainer she filed against him.

9. Under the law, Holmes is liable for her actions because Dr. Feldman was forced to vacate the premises as a result of her "[f]ailure to repair and keep the premises in a condition suitable for the purposes for which they were leased."¹

10. He hired experts at his own expense to test for water contamination and mold, and though dangerous mold levels and water leaks were confirmed and the report found the unit

¹ Stoiber v. Honeychuck, 101 Cal. App. 3d 903, 926 (1980).

1 DANIEL J. FELDMAN, PH.D.
2 13647 Aragon Way Apt 303
3 Louisville, KY 40245
4 Tel: (307) 699-3223
5 Email: danieljfeldmanphd@gmail.com

ATTACHMENT 8

6 PLAINTIFF PRO SE

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 FOR THE COUNTY OF SAN FRANCISCO

9 UNLIMITED JURISDICTION

10 DANIEL J. FELDMAN, PH.D.
11 Plaintiff,

12 vs.

13 LINDA STEINHOFF HOLMES, AND DOES 1-30
14 Defendants.

) Case No.: CGC 21-594129

) PLAINTIFF DANIEL FELDMAN'S DECLARATION
) IN SUPPORT OF EX PARTE APPLICATION TO
) FILE A LONGER MEMORANDUM IN
) OPPOSITION TO DEFENDANT'S MOTION FOR
) SUMMARY ADJUDICATION

) Date: February 1, 2024

) Time: 9:30 a.m.

) Dept.: 501

) Hon. Charles Haines, Judge Presiding

Complaint filed: July 28, 2021

18
19
20 COMES NOW Plaintiff DANIEL FELDMAN, pro se, and would show unto this Honorable Court as
21 follows with regard to Defendant LINDA STEINHOFF-HOLMES' et al. wrongful eviction and related
22 complaints.
23

24 This ex parte application and declaration is later than the Court Rules, and as the Plaintiff pro se, I do
25 humbly request the Honorable Judge Charles Haines to grant a delay to respond to Defendant's motion for
26 summary adjudication for which will be heard on February 1, 2024, at 9:30A.M, or as soon thereafter as the
27 matter may be heard in Department 501 of the Superior Court of California, County of San Francisco located
28

PLAINTIFF DECLARATION TO SUPPORT FILING A LONGER MEMORANDUM IN
OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY ADJUDICATION

--- 1 ---

1 at 400 McAllister Street. The ex parte application is to allow more time to for me to answer the Defendant's
2 motion, as may be presented at the hearing of this motion including points and authorities to the best of my
3 ability.

4
5 This Declaration is lengthy but describes the extenuating circumstances for why I have not
6 responded in a more timely manner. It also describes an update to the entire complaint {CUD-19-666401}
7 that was brought before Real Property Court and Judge Haines during the pandemic, one of the rare evictions
8 that were exempt from the covid-based stay as it was based on alleged claims of violence that were **explicitly**
9 **perjured to Judge Haines in at least three different ex parte hearings more than three declarations and**
10 **affidavits**, claims that were contradicted by the Defendant in her Deposition in January, 2023, and which
11 were **suborned by her counsel, Daniel Bornstein**, as witnessed in a loud speakerphone conversation,
12 recorded and transcribed in real time in May, 2019, by myself and Christopher Hefner, now allegedly
13 deceased at the hand of the Defendant, confirmed with accounts from secondary witness Jonathan Bornstein,
14 the brother of Daniel Bornstein, and **was brought to the attention of District Attorney Gascon's Office** in
15 July, 2019, just before the Unlawful Detainer was filed.

16
17 Jonathan Bornstein also revealed that he had witnessed his brother suborning perjury from many of
18 his landlord clients in the same exact playbook that was deployed by the Defendant and her son. Not only
19 that, but that he reported that Daniel Bornstein had discussed murder as an effective means of getting
20 unwanted tenants out of the property, if they evaded being arrested under false charges or failed to be evicted
21 by the Court, in a similar manner that I am alleging the Defendant used to attempt to murder myself in
22 addition to Christopher Hefner. Judge Haines transferred CUD-19-666401 to another Judge the day before
23 the jury trial in September, 2020, and may not have been aware of the outcome of that case.

24 Daniel Bornstein, who had previously been unrelenting and unresponsive to any settlement,
25 immediately insisted that the case be dismissed and literally begged me for a settlement, dismissing the case
26 as soon as he had read that I had served them and the Court the pretrial witness and exhibit lists, the motions
27 in limine, and trial brief. Those outlined that I would be calling him as my first witness to explain the
28

1 recorded and witnessed alleged accounts of him suborning perjury and instructing family members and
2 employees of the Defendant to make false calls to the police, to deceptively frame me for violence, using
3 malicious prosecution to have me arrested for staged crimes with staged evidence, and to use the window of
4 opportunity of the false arrest to file an ex parte motion demanding summary judgement for eviction while I
5 could not have the Eviction Defense Collaborative protection. He settled the case without prejudice to any of
6 my claims for damages for any of their actions, for which I alleged were in excess of \$1M.

7 The legal counsel that approached me for representation since then has delayed this case pushing it
8 to its limit, and then, just after taking a deposition of the Defendant contradicting the statements she made to
9 this court under oath in 2020, he moved the trial from a year out to within 6 weeks, and left my case to be
10 now undesirable for representation. Indeed, this delay has at its heart the what appears to be a deliberate
11 sabotage from prior counsel, and I have been put into a forced pro se litigation. This is not ideal considering
12 I have been deemed unable to work by the SSA because of the injuries I have sustained during the course of
13 my tenancy of the Defendant, including difficulties with reading and writing which prohibit me from
14 returning to my old employment, not to mention anxiety and panic induced when exposed to the events in
15 this case. I have exhausted all possible resources for representation or for help with the preexisting
16 disabilities.

17 At the time the Defendant filed this motion for summary judgment, I was hospitalized and was not
18 yet home recovering from the first of three surgeries from a severe hit-and-run accident.

19
20
21 **This declaration supports the reasons that this case deserves to be heard and tried in front of a**
22 **jury. If this is dismissed through summary judgment, it will have completed the intention of the plot**
23 **Daniel Bornstein sold to the Defendant in 2019 and implemented in 2020, resulting in one death and**
24 **one near-death of their victims. And I can argue that dismissing this case will likely result in my own**
25 **death in short order as well since the Defendant has not abated from ruining my access to healthcare**
26 **through continued broadcast of her slander that I am a violent elder abuser, a claim that I can prove is**
27 **utterly fabricated.**

1 **6) Sabotage And Abandonment From Previous Counsel Either As A Defendant Previously Or**
2 **Plaintiff Currently**

3 My challenges getting legal representation for this case have been present since I attempted to get
4 support for a constructive eviction based on the harassment and outstanding DBI NOV's, which resulted in
5 over 50 calls to the police from me. The Tenant's Union with whom I met 20 times had all advised me that
6 given the evidence that I had brought them I should have a very easy case and that any of the lawyers on
7 their list would be willing to take it. However, after calling every lawyer on the list, their assessment was not
8 exactly accurate since none were interested in representing a case involving bribery with DBI or challenges
9 with the SFPD.

10 After the unlawful detainer was filed against me, the Defendant Holmes was represented by the
11 Daniel Bornstein, with oddly, I had consulted informally when I moved into the residence. Struggling to find
12 representation, I was approached by Jonathan Bornstein, the brother of Daniel Bornstein who used to be in
13 practice with him. I was aware of their feud and lawsuits against each other because it was covered broadly
14 in the local media. Jonathan told me that he had been very much injured by his brother's actions and by the
15 lawsuits, which cost him his house and even his wife he claimed. He also told me that he wanted to make
16 sure that I prevailed as he was acutely aware of the suborning perjury claim that I had made against his
17 brother. He told he told me that he had knowledge of these types of dealings and when I mentioned to him
18 that I had heard them discussing with the Defendant in the backyard as wanting to kill me, "exterminating the
19 vermin" was the specific language that they used. Jonathan told me that they that he was aware of Daniel
20 working with landlords to find ways to actually murder unwanted tenants that is if they could not get them
21 out by other means. And with regard to suborning perjury for his clients to make false police reports to the
22 court in the form of ex parte requests for summary judgment on eviction, Jonathan verified that what I had
23 reported about Daniel was spot on and was a Modus Operandi recommendation for his clients. When I told
24 Jonathan that my best friend was killed due to the actions that they took in the apartment plumbing, Jonathan
25 said that he knew that and that he is very sorry and that he had heard these exact types of plans being made
26
27
28

1 by Daniel. I asked Jonathan if he would be willing to be a witness to that on the stand and he said "We'll
2 see."

3 Jonathan offered to ghost write my legal documents for me in my case, but I told him I was a bit
4 nervous and distrusted him, as I speculated that he still owed his brother much of the award that came out of
5 the lawsuit, millions of dollars. Jonathan told me that he understood my concerns, that his intention to help
6 me was genuine as he claimed that he would love to see these tactics of his brother's brought to light so that
7 other tenants would not be victimized by Daniel. He said the offer to ghost write was on the table anytime,
8 but the choice was up to me.

9 I went to Jonathan's office and brought my laptop as he wanted to see some of my evidence. As I
10 was leaving to meet him, I accidentally broke off the power cord to the laptop and the battery was low,
11 When I arrived, Jonathan wanted to see my laptop even though I told him that I could access my evidence on
12 my iPad. He became very insistent that we find power for my laptop and sent his assistant out to purchase
13 the specific power cord. I kept trying to bring his attention to evidence I had on my iPad but he remained
14 fixated on opening my laptop, and I began to get suspicious of his motives, if he was trying to add a hack to
15 it or something else. I finally insisted that we forget my laptop, and at the end of our meeting, he offered to
16 write my requests for Discovery and walked me through some tricks that he used regularly to trap the other
17 side into having evidence excluded in limine by using the interrogatives. That was very useful in the end.
18 Jonathan finally asked for my username and password for OneLegal so he could file my documents for me,
19 as if they were coming from me. I absolutely refused to allow that and told him that I would use the filing
20 service when he had documents finalized. He asked again, and I declined again.

21
22 The work Jonathan did was great, and I started to feel that he was being genuine. And he remained
23 supportive until the week of the trial. None of the trial documents had been filed on the first day of the jury
24 trial, and Jonathan vanished until the day after I had prevailed, completely abandoned at the most critical
25 moment. By pure luck, the Defendant and Daniel Bornstein were very late on the first day of trial, and it was
26 postponed by a day, just long enough for me to complete the pretrial documents with the help of my old
27 counsel I had represent me in a qui tam that we prevailed in the Second Circuit. When Jonathan resurfaced, I
28

1 was angry with him and felt sabotaged, especially when he said he would not testify to the allegations he
2 made against his brother, Daniel, only a couple of months earlier.

3 When I prevailed and maintained possession of the apartment until October 15th, 2020, Daniel
4 Bornstein had immediately stopped the jury trial and offered me a settlement that left my damages and
5 reimbursement charges open without prejudice, and the newly appointed Judge expressed concern to Daniel:
6 "You have left this wide open for him to sue your client." Daniel affirmed that was his intent, as he would
7 not tolerate being a witness on the stand with the allegations I was making and the evidence. The judge went
8 further: "He is going to sue the heck out of your client!" And, yes, that was my intent after all of the loss I
9 had suffered at her hand. And I immediately contacted the SF Bar Association again for help finding a
10 referral.

11 It was a little unusual that I heard from Julien Swanson at Austen Law Group. They were not
12 referred to me by the SF Bar Association although I had placed a number of cold calls, without any success,
13 so it is very possible that he replied to a cold call. In any event, Mr. Swanson indicated he was very interested
14 in representing me and as I also had no other responses, I retained him. I shared a bit of material with him but
15 had more immediate concerns about what was contained in the settlement offer. About four months went by,
16 and despite my calls and retainer, I heard nothing from him other than brief messages that he could not meet
17 but would set a time soon. With nothing to show for our relationship, I contacted them and said I was
18 withdrawing from the contract as they had failed to meet any standard of reasonable timeliness of
19 responding. I wrote a bad review on Google which instigated a call from Alex Austen, the Principal, who
20 screamed at me on the phone like a high schooler upset about a Facebook comment, and I added another
21 negative update to my review. I then got another call from Alex and they very much wanted to represent me
22 and drew up a new retainer schedule with a significantly higher contingency, and the higher rates were in
23 exchange for my insistence on a formal biweekly meeting about the case to keep things moving. I was
24 skeptical if Mr. Swanson wanted to help me, or was he going to sabotage me like Jonathan Bornstein
25 appeared to have done?
26
27
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1 Robert Noelke, whom she had hired to manage the repairs for the NOVs and who coincidentally held
2 one of the most senior positions at DBI, had a meeting with three DBI Inspectors on the front porch who is
3 vocally very loud. It caught my attention all the way in the back of the apartment as he was spreading
4 slander about me to these three individuals, slander I had already sent at least onand desist notification to his
5 client, the Defendant. I walked up to the front door where I could clearly hear everything being said right
6 under a sign that read: "This area under video surveillance" right below the camera. The conversation moved
7 from slandering me to the business at hand which ended in a bribe that would lead the inspectors to abate the
8 open delinquent NOVs before the Directors Hearing the next day/ even though I documented that much of
9 the abated work had not been started let alone done.

10 The Defendant was taken off the Director's Hearing the following day where I sat with a 14-lb bag
11 of lead paint chips, photos taken that day of work that was not done, and a recording of the bribe. I filed a
12 complaint with Senior Inspector Jamie Sanbonmatsu and admitted I only had the voices of the Inspectors, not
13 their images. I asked Mr. Sanbonmatsu if he recognized the voices, and he said that there was no mistaking
14 Robert Noelke, and said the other voices were familiar but one of them he said he could clearly identify
15 because I came to understand that it was him! Inspector Alan Davison was another. Trying to get a proper
16 investigation into the corruption brought me into direct contact with the heads of a totally corrupt Empire
17 headed by Tom Hui, who was the Chief Officer.

18 Another public official who protected the DBI corruption was the Commissioner of the DBI at the
19 time, now Board of Supervisors Debra Walker. It is no wonder they wanted to harm and silence me as I went
20 to the City Attorney, District Attorneys Gascon and Boudin as well as the Mayor London Breed. It should
21 not surprise anyone that London Breed's office wanted to silence my reports of corruption and protect the
22 many benefactors including officials at the Controller's Office.

23
24
25 I had a whole smear campaign about me running as Chris Hefner and I took the evidence to the local
26 FBI Office of the individuals whom I had reported the Defendant's bribes who then actively worked to
27 discredit and silence me. The FBI told me to phone the information in, refusing to meet in person and on a
28

Haapala, Thompson & Abem LLP
Attorneys At Law
Park Plaza Building
1939 Harrison St., Suite 800
Oakland, California 94612
Telephone: 510-763-2324
Facsimile: 510-273-8534

2. On February 1, 2024, Defendant LINDA STEINHOFF HOLMES's motion for summary adjudication came on regularly for hearing in Department 501 of the above-entitled Court before the Honorable Judge Ronald E. Quidachay. Judge Quidachay stated that he was adopting his tentative ruling, which was to grant the motion as to Issue 1 on the second cause of action and deny as to Issue 2 regarding a purported claim for treble damages in the third cause of action.

3. On February 1, 2024, our office emailed a proposed order after hearing to Plaintiff Daniel Feldman, who appeared *in pro per*, and the Court. The proposed order copied the Court's tentative ruling verbatim. Mr. Feldman responded with an objection to the proposed order; however, the basis for the objection is not clear. Rather than attempt to summarize Mr. Feldman's objection, I am attaching hereto as Exhibit 1 a true and correct copy of the emails reflecting service of the proposed order on Mr. Feldman and his responses.

4. On February 12, 2024, Mr. Feldman emailed the Clerk of Department 501, advising that he was contesting "the Order that was adopted by Judge Haines on Feb. 1." A true and correct copy of Mr. Feldman's February 12, 2024 email is attached hereto as Exhibit 2.

5. On February 13, 2024, having not heard back from the Court, and not seeing the proposed order on the Register of Actions, our office had another copy of the proposed order hand-delivered to the Clerk of the Court and Department 510. A copy of the letter was also emailed to Mr. Feldman. A true and correct copy of our letter transmitting a second copy of the proposed order is attached hereto as Exhibit 3.

6. On or about February 23, 2024, we received from the Clerk of the Court a notice that the proposed order was rejected for failure to comply with California Rules of Court, Rule 3.3132. A true and correct copy of the Notice of Rejection is attached hereto as Exhibit 4.

7. As Mr. Feldman was provided a copy of the proposed Order Granting in Part, and Denying in Part, Defendant Holmes' Motion for Summary Adjudication on February 1, 2024, and a second copy on or about February 13, 2024, and the only objections received are those attached hereto, we respectfully request that the Court enter the accompanying [Proposed] Order Granting in Part, and Denying in Part, Defendant Holmes' Motion for Summary

From: Daniel J. Feldman, Ph.D.
To: Virginia Guthrie
Subject: Re: Feldman v. Holmes, San Francisco County Superior Court Case No: CGC-21-594129
Date: Thursday, February 1, 2024 3:17:41 PM

Well I do have a problem with it because until this afternoon, I still have not been able to file, and it is a technical error at the court that they have been investigating for days. They are preparing a statement to provide the clerk. I was told by the filing clerks to ask to make verbal arguments since there were errors, and as you saw I was not allowed to make any. I wanted to file an answer and ask for additional time. I don't need legal advice to supply reasons I need more time. I needed legal eyes on my opposition to the motion, and I hired people who fell thru. I had an issue with the latest declarations that I was unable to make through no fault of my own, wasted hours submitting efilings over and over, no one could explain why it wasn't going thru other than I was removed as a Plaintiff each time I added myself for filing.

So I am not happy about this hearing at all.

As an important point in last night's declaration, I provided you with production that shows these are not conspiracy theories and especially about the Twitter account which was assigned to an email address mrs1sh@holmes.net. And holmes.net is registered to her address in Petaluma. I have asked Nolan so many times to exchange what production you provided to Julien and I need to send you the production that I had given to Julien to provide to your team. The files I received are corrupted on his drive. I know I am missing some files and I don't know if everything had been given to you. Obviously not if you didn't have any hard evidence.

So some not accurate opposition to my ex parte application, and I could not respond. And I do not think you have all of my production

Daniel J. Feldman, Ph.D.
Clinical Neuropsychologist (NYS#014127)
and Touch Healer

13647 Aragon Rd Apt 303
Louisville, KY 40245

(307) 699.3223

"And now here is my secret, a very simple secret: It is only with the heart that one can see rightly; what is essential is invisible to the eye."

The Little Prince by Antoine de Saint-Exupéry

On Thu, Feb 1, 2024 at 5:48 PM Virginia Guthrie <vguthrie@htalaw.com> wrote:

Good afternoon. Attached is the following document in the above referenced matter for your review and file. We will be submitting this to Dept. 501 for signature today.



Daniel Feldman <danieljfeldmanphd@gmail.com>

Screenshots of HELP with Names of Parties for CGC-21-594129

Daniel J. Feldman, Ph.D. <danieljfeldmanphd@gmail.com> Wed, May 15, 2024 at 6:46 PM
To: "Jessica L. Chylik" <chyliklaw@gmail.com>

Core Issue: The name transmitted to all eFiling vendors used by the court has been incorrectly listed as "Blank H Feldman" for the past six months. This misrepresentation prevents me from filing as the plaintiff, posing a significant risk of case dismissal.

Additional Concerns:

- 1. Incorrect attorney listings have resurfaced, including a previous attorney erroneously listed as currently representing me.
- 2. Missing defense attorneys in the vendor data since last November coincide with the alteration of my name in the system.
- 3. Submissions under "H Feldman" are rejected as the system requires a full first name.

Search: Cases

danieljfeldmanphd@gmail.com | Account # 20643
My Profile | Help | Logo

March 22, 2024 4:02pm

Support: (800) 366-5445 or operations@rapidllegal.co

What would you like us to do ? eFiling

Order Info

Case Info

Case Participants

Documents

Court Fees

Serve Info

Order Details

Add Party

Add Attorney

Name	Role	Email	Action
DOES 1-10, INCLUSIVE	DEFENDANT		
FELDMAN H	PLAINTIFF		
HOLMES, LINDA STEINHOFF	DEFENDANT		
SWANSON, JULIEN	ATTORNEY	swanson@austinlawgroup.com	
ARMSTRONG, NOLAN S	ATTORNEY	nolan.armstrong@mcnamaralaw.com	

Show 50 entries 15 participants in this case.

Order Summary

eFiling (Existing Case)

State: California
County: San Francisco

Case Info:
Case Number: CGC-21-594129
Case Name: DANIEL FELDMAN, PH.D VS. LUNDA
STEINHOFF HOLMES ET AL
Category: General Civil
Case Type: WRONGFUL EVICTION

Previous Next

Save As Draft

On Thu, May 9, 2024 at 5:04 PM Daniel J. Feldman, Ph.D. <danieljfeldmanphd@gmail.com> wrote:
Clerks for Civil Support, Department 501, and Department 206:

Please disregard the previous email. There was hidden text in the draft I copied to Gmail, that was part of my instruction to AI. When it sent, it went to plain text and could be visible. Awkward and embarrassing, and my apologies.

I am writing to express significant concern regarding an ongoing issue that has critically hindered my ability to file necessary documents in the case of DANIEL FELDMAN, PH.D. VS. LINDA STEINHOFF HOLMES ET AL, Case No. CGC-21-594129. This matter, unfortunately, remains unresolved despite multiple assurances of a prompt fix.

Since before January 2024, my name has been incorrectly listed in the court's documents and filings system, which has erroneously removed me as a Plaintiff in my own case. As I had successfully filed documents last year, there has been no instruction from me to make any changes. Most likely, the change to my name occurred when the opposing party swapped out counsel in November. At least 3 verified suppliers of filing services have experienced the same error: all of my filings are systematically rejected by the court (with the exception for when a clerk on the phone can manually accept it), yet there is no transaction ID assigned. Every clerk and every supplier representative who walks me through their filing system to ensure there are no errors on their end all claim to have never seen this issue before.

This error has profoundly impacted my legal rights and ability to proceed, as I have been unable to make any filings on time under my correct status for the past six months. I have been disallowed to even speak during motion hearings as my filings are impacted in this manner. And each time, I am assured the issue will be fixed. I live in Kentucky which makes it prohibitive to walk into the Court to ask for a repair in person. And due to the actions of the other party, the very reason I am suing, is that I have been rendered destitute and have a fee waiver. Spending nearly \$750 per paper filing is not something I can afford. And lastly, as I have exhausted all searches for legal representation, I am significantly disadvantaged to partially losing summary judgement, the largest part of my claim, for not being able to file the opposition nor the reconsideration on time despite having them notarized and paying consultants to draft the arguments for me.

On numerous occasions, I was informed that the correction would be made within two days. However, despite these assurances—the latest being in March—the error persists as of May 8, 2024, as evidenced in the attached screenshots from the eFiling system. Each attempt to rectify this mistake myself has been unsuccessful due to system restrictions, clearly indicating that the correction must be executed at the court's end. I wrote an email to the clerks about this issue on March 28th, to which I had no reply. Since then, I have left multiple voicemails, including this week, none of which have been returned although I was able to reach Department 206 in person a couple of times. This issue has persisted for nearly SIX MONTHS, and this week, the filing of my opposition to motion to award attorneys's fees is in equal jeopardy, spending literally days handling this issue outside of my control and the control of the suppliers.

The continuous delay and lack of resolution have put me in a precarious position where I am at risk of having to dismiss my case, which would not only be unjust but also detrimental to the judicial principles of fairness and access to justice.

I respectfully urge your immediate attention to this matter to correct the listing error without further delay. Please update my status as the plaintiff so I can proceed with the required filings. The urgency of this matter cannot be overstated, as my legal rights and the integrity of the judicial process are at stake.

From my best guess, the error involves the punctuation included in my Last Name field, which was entered by my original attorney. Until November 2023, the name fields for the PLAINTIFF are as follows:

FIRST NAME: DANIEL
MIDDLE INITIAL: J.
LAST NAME: FELDMAN, PH.D

Since, November 2023, the PLAINTIFF name fields are:

FIRST NAME:
MIDDLE INITIAL: H
LAST NAME: FELDMAN

My attorney Julien Swanson was removed from Plaintiff Representation in February 2023 yet is still listed as a party. He should be removed. The Defense attorneys were changed in November, but they are also not added, yet her prior counsel was successfully removed.

With the help of the suppliers, we attempted to make these corrections multiple times, and yet, within hours, all of our edits disappeared.

RapidLegal® Search: Cases March 22, 2024 4:02pm danieljfeldmanphd@gmail.com | Account # 20642
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What would you like us to do? eFiling Support: (800) 366-5445 or operations@rapidlegal.co

Order Info Case Info Case Participants Documents Court Fees Serve Info Order Details

Add Party Add Attorney

Name	Role	Email	Action
DOES 1-10, INCLUSIVE	DEFENDANT		
FELDMAN H	PLAINTIFF		
HOLMES, LINDA STEINHOFF	DEFENDANT		
SWANSON, JULIEN	ATTORNEY	swanson@daustinelawgroup.com	
ARMSTRONG, NOLAN S	ATTORNEY	nolan.armstrong@mcnamaralaw.com	

Show 50 entries | 5 participants in this case. First Previous 1 Next Last

Order Summary
eFiling (Existing Case)
State: California
County: San Francisco
Case Info:
Case Number: CGC-21-594129
Case Name: DANIEL FELDMAN, PH.D VS. LINDA STEINHOFF HOLMES ET AL
Category: General Civil
Case Type: WRONGFUL EVICTION

Previous Next Save As Draft

Add Party March 22, 2024 4:24pm

Type: ☐ Organization ☒ Person

Role: Plaintiff

Party Sub-Type: n/a

Name: DANIEL J. FELDMAN, PH.D Suffix

☒ Has Alternate Names

DBA (DBA) FELDMAN, H

Alternate Names: AKA (AKA) First Name Middle Name Last Name Suffix

☐ First Appearance fees are paid

☒ Fee Waiver on File

☒ Is Self-Represented

Self-Rep Info: United States

13647 ARAGON WAY APT 303

Unit #

LOUISVILLE Kentucky 40245

(307) 699-3223

danieljfeldmanphd@gmail.com

Please ensure party information matches the Complaint. Examples: "John Doe, an individual" or "Acme Company, a California Corporation"

Save Cancel



Search: Cases

danieljfeldmanphd@gmail.com | Account # 206475

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Pending Orders (2)

Order Date	Order #	Order Type	Case	Name & Location	Status
08/06/2024	10145724-01	Court eFiling	Feldman v Steinhoff-Holmes CGC-21-594129	Civic Center Courthouse - Civil (eFiling) 400 McAllister St San Francisco CA 94102	Pending

Status Documents Summary

Contact Us

Order # 10145724-01

Print Share

Additional Order Info

Order Info	eFiling - San Francisco		
Case Info	Case Number: CGC-21-594129		
	Case Title: Feldman v Steinhoff-Holmes		
	Jurisdiction: Civic Center Courthouse - Civil (eFiling)		
Case Participants	Feldman, Daniel		Client: Feldman, Daniel PhD Pro Per
	Feldman, Daniel		Billing Code: 123
Case Participants	Steinhoff-Holmes, Linda		
	Holmes, Linda Steinhoff		
	Holmes, Linda Steinhoff		
	Holmes, Linda Steinhoff		
	Feldman, Daniel PhD Pro Per		
	Feldman, Daniel PhD		
	Feldman, Daniel PhD		
	Feldman, Daniel PhD Pro Per		
	Feldman, Daniel PhD Pro Per		
	Swanson, Julien Thomas		
	Swanson, Julien Thomas		
	Abem, Steven Sheriff		
	Armstrong, Nolan S		
	Straus, Marvin J.		
	Feldman, Daniel PhD Pro Per		
	Feldman, Daniel PhD Pro Per		
	Feldman, Daniel PhD Pro Per		
Documents	Ex Parte Application (Original) (Ex Parte)		
	Memorandum of Points and Authorities (Original) (Memos)		
	Declaration (Original) (Declarations)		
	Order (Proposed) (Original) (Orders)		
	Notice of Motion (Original) (Motions)		
	Proof of Service (Original) (Proof of Service)		
	Declaration (Original) (Declarations)		
	Proposed order for fee waiver (Original) (Orders)		
Notifications	Daniel Feldman (danieljfeldmanphd@gmail.com)		
Order Details	Court Fees: Rapid Legal will advance Statutory Filing Fees when submitting your Order to San Francisco County Courts.		
	Instructions to the Court Clerk: FEE WAIVER ON FILE. ONCE AGAIN, MY NAME PROVIDED BY SFSC TO VENDORS HAS CAUSED ISSUES WITH FILING. I WAS UNABLE TO FILE FOR 7 MONTHS. TODAY TOOK MANY TRIES FOR HOURS BUT SUBMITTED		

08/06/2024 10145724-02

URGENT

Courtesy Copy Delivery

Feldman v Steinhoff-Holmes
CGC-21-594129Civic Center Courthouse
400 McAllister St San Francisco CA 94102

Received

Show 10 entries Showing 1 to 2 of 2 entries

First Previous 1 Next Last

Draft Orders (0)

Show Draft Orders Created Last: 7 Days 15 Days 30 Days

1 DANIEL J. FELDMAN, PH.D
13647 Aragon Way Apt 303
2 Louisville, KY 40245
Tel: (307) 699-3223
3 Email: danieljfeldmanphd@gmail.com

4 PLAINTIFF PRO SE

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA

6 FOR THE COUNTY OF SAN FRANCISCO

7 UNLIMITED JURISDICTION

8 DANIEL J. FELDMAN, PH.D
9 Plaintiff

10 vs.

11 LINDA STEINHOFF HOLMES,
12 AND DOES 1-30
13 Defendants

) Case No.: CGC 21-594129

)
) **PLAINTIFF'S EMERGENT EX PARTE**
) **APPLICATION FOR CONTINUANCE OF**
) **TRIAL DATE AND EXTENSION OF**
) **DISCOVERY DEADLINE; MEMORANDUM**
) **OF POINTS AND AUTHORITIES**

)
) Date Submitted: August 26, 2024
) Date of Hearing: August 27, 2024 11:00am
) Dept. 206
) Honorable Anne-Christine Massullo,
Judge Presiding

14
15
16
17 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**
18
19
20

21 **PLEASE TAKE NOTICE** that on **August 27th, 2024, at 11:00am**, or as soon thereafter as the
22 matter may be heard, in **Department 206** of the above-entitled court, located at 400 McAllister St,
23 San Francisco, CA 94102, **Plaintiff Daniel Feldman, Ph.D.**, will and hereby does move for an
24 order continuing the trial date currently set for **September 16, 2024**, and extending the discovery
25 deadline.
26
27

28 PLAINTIFF'S EMERGENT EX PARTE APPLICATION FOR CONTINUANCE OF TRIAL DATE AND
EXTENSION OF DISCOVERY DEADLINE; MEMORANDUM OF POINTS AND AUTHORITIES

--- 1 ---

ELECTRONICALLY

FILED

Superior Court of California,
County of San Francisco

08/26/2024

Clerk of the Court

BY: RONNIE OTERO

Deputy Clerk

1 This motion is made on an ex parte basis due to the urgency of the circumstances described herein.
2 This application is made pursuant to California Code of Civil Procedure sections 473 and 595.2, and
3 Rule 3.1332 of the California Rules of Court, on the grounds that good cause exists for the
4 requested continuance due to Plaintiff's recent and upcoming medical treatments, including
5 surgeries for retinal detachment, which severely impair Plaintiff's ability to prepare for trial.
6 Additionally, persistent technical issues with the court's electronic filing system have caused
7 significant delays in Plaintiff's ability to submit and receive critical documents necessary for
8 discovery and trial preparation. Furthermore, obstructive actions by opposing counsel have further
9 impeded the discovery process. Plaintiff proposes a new trial date of January 6, 2025, with the
10 discovery deadline moved to December 6, 2024. These dates are contingent upon the resolution of
11 the data corruption issues affecting this case, with the trial and discovery deadlines set to commence
12 16 weeks from the date that the court verifies the data issues have been fully resolved.
13
14

15 **I. INTRODUCTION**

16
17 Plaintiff, Daniel Feldman, Ph.D., respectfully requests a continuance of the trial date currently set
18 for September 16, 2024, and an extension of the discovery deadline. Due to unforeseen medical
19 issues, including a serious eye condition requiring multiple surgeries, Plaintiff is physically unable
20 to adequately prepare for trial and complete necessary discovery tasks. Additionally, ongoing
21 technical issues with the court's electronic filing system and obstructive actions by opposing
22 counsel have prevented Plaintiff from timely filing and receiving critical documents, further
23 justifying the need for a continuance.
24
25
26
27

1 **II. FACTUAL BACKGROUND**

2 **1. Medical Necessity:** On June 14, 2024, Plaintiff underwent retinal surgery for an unexpected
3 detached retina that was initially caused during an armed attack coming out of his residence
4 involved in the current action, which required him to lay on his side for two weeks and then keep
5 his head face-down for an additional six weeks. This treatment restricted Plaintiff's ability to
6 participate fully in trial preparation, especially for needed depositions and to subpoena necessary
7 records.
8

9
10 On August 16, 2024, expecting a full recovery at this point, Plaintiff was informed that his retina
11 had detached again, necessitating emergency surgery to prevent blindness on August 23, 2024. The
12 recovery process includes strict travel restrictions for at least two months, which will prevent
13 Plaintiff from attending trial or effectively participating in trial preparation during this period.
14

15 An initial attempt to continue the trial and discovery was done through the Court Disability
16 Advocates as a Request for Accommodation. When that was denied, Plaintiff had to make the
17 difficult choice between saving vision in his left eye thereby being unavailable for trial and
18 significantly disadvantaged by not being able to complete Discovery. Today, he chose to seek
19 justice in this action and to attend the trial at a disadvantage over his eyesight, and the emergency
20 surgery scheduled on August 23 was canceled after waiting a week already, much to the
21 disagreement of the eye specialists. They have been clear that the eye will go blind, from being
22 completely functional two months earlier, and in the last two weeks, vision has deteriorated from
23 90% to 20% at the time of this filing. If Plaintiff does not act immediately to save it, Plaintiff can
24 choose either attending trial that he has invested five years in seeking justice or vision in his left
25 eye, but not both, unless this trial is continued. Part of this decision includes not only the inability
26
27

28 PLAINIFF'S EMERGENT EX PARTE APPLICATION FOR CONTINUANCE OF TRIAL DATE AND
EXTENSION OF DISCOVERY DEADLINE; MEMORANDUM OF POINTS AND AUTHORITIES

--- 3 ---

1 to recover damages that have left him destitute, but the assignment of Defense attorney fees would
2 be devastating and humiliating,

3
4
5 **2. Technical Issues with Court Records:** Since November 2023, Plaintiff has experienced ongoing
6 technical issues with the court's electronic filing system. Initially, these issues included a
7 misrepresentation of Plaintiff's name, which caused critical filings to be rejected or delayed.
8 Despite multiple attempts to resolve this issue, it persisted, particularly affecting filings in January,
9 March, and May of 2024. Although some issues were resolved in July, technical problems remain,
10 continuing to impact Plaintiff's ability to meet filing deadlines and adequately prepare for trial.
11 This specifically and severely impacted Plaintiff's ability to participate in the discovery process as
12 well as the filing of an opposition and a reconsideration of summary adjudication sought by OC on
13 a blatantly frivolous claim. While some technical issues were resolved in July after seven months of
14 being locked out, the problem persists, and Plaintiff continues to experience difficulties in meeting
15 filing deadlines. Even this current application had to be served and filed by more than one vendor as
16 the Party information the Court disseminates to vendors is corrupted. New vendors sometimes
17 require a day or more to approve and set up a new client for filing, especially when Plaintiff has a
18 fee waiver.
19
20
21
22
23

24 **3. Required Correction for Accurate Representation:** In the last two and a half months, the
25 Plaintiff's name has been entered into the court's system with 12 different variations, only one of
26 which correctly identifies the Plaintiff. The remaining incorrect entries have caused confusion and
27

1 obstructed the Plaintiff's ability to participate effectively in discovery and other pre-trial processes.

2 To resolve these issues, it is crucial that:

- 3 • **Accurate Representation of Parties:** The electronic filing system must correctly list each
- 4 party only once with their appropriate first and last names.
- 5
- 6 • **Removal of Incorrect and Duplicate Entries:** All incorrect and duplicate entries for all
- 7 parties, including the Plaintiff, must be removed to ensure that only those who are currently
- 8 involved in the case are represented.
- 9

10 This correction must align with standard procedures for all cases before this court, where each party

11 is accurately and singularly listed according to their involvement in the case. The trial and discovery

12 deadlines should commence 16 weeks from the date that this correction is verified by the court.

13

14

15

16 **4. Obstruction by Opposing Counsel:** Opposing counsel has refused to verify discovery

17 documents and has engaged in frivolous motions, wasting valuable time and resources that Plaintiff

18 could have used for trial preparation. This obstruction has further exacerbated the difficulties

19 Plaintiff has faced due to his medical condition and the technical issues with the court's system,

20 which prevented Plaintiff from filing motions to compel, among other necessary filings. As a result,

21 Plaintiff has had to resubmit arguments to oppose, reconsider, stay, or vacate the summary

22 judgment granted in part due to an unopposed frivolous motion. Despite multiple attempts,

23 Plaintiff's filings were either not transmitted to the court electronically or were rejected for

24 appearing late or incomplete, further hindering Plaintiff's ability to pursue his case effectively.

25

26

27

1 **III. LEGAL ARGUMENT**

2 Under California law, a trial court has broad discretion to grant a continuance upon a showing of
3 good cause. Good cause for a continuance may include the unavailability of a party due to illness, as
4 well as other circumstances that would prevent the party from participating effectively in the trial.
5

6
7
8 **1. Medical Necessity:** Plaintiff's recent and upcoming surgeries are medically necessary and will
9 render him unable to attend or prepare for trial. Forcing Plaintiff to proceed with the trial as
10 scheduled would result in severe prejudice and potentially irreversible harm, including the
11 likelihood of permanent blindness in his eye. Plaintiff has already delayed surgery by more than a
12 week at the very least in order for him to file these emergent applications and await an order.
13

14
15
16 **2. Technical Difficulties:** The ongoing technical issues with the court's filing system constitute
17 good cause for a continuance. These issues have prevented Plaintiff from participating at all for
18 seven months, fully in the discovery process, and have significantly delayed trial preparation. They
19 have also prevented him from arguing summary adjudication that went unopposed not for lack of
20 trying. Despite nearly 80 hours spent on the phone with court support and vendors since January,
21 the issues have not been fully resolved despite being told several times that they have been fixed
22 until the next filing is rejected.
23
24
25
26
27

1 **3. Obstruction by Opposing Counsel:** Opposing counsel's refusal to cooperate in the discovery
2 process and their engagement in frivolous motions have consumed valuable time that Plaintiff could
3 have used to prepare for trial. These tactics have created an unfair disadvantage for Plaintiff, who is
4 already struggling with serious health issues related to the actions outlined in the complaint and
5 technical issues.
6
7
8

9 **IV. CONCLUSION**

10 For the reasons stated above, Plaintiff respectfully requests that the Court grant this motion and
11 continue the trial date to as early as January 6, 2025, and extend the discovery deadline to as early
12 as December 6, 2024. These dates are contingent upon the correction of the court's electronic filing
13 system to accurately represent each party involved in this case, ensuring each is listed only once
14 with the correct first and last names. The trial and discovery deadlines should commence 16 weeks
15 from the date that this correction is verified by the court.
16
17

18 **Dated: August 26, 2024**

19
20 Respectfully submitted,
21

22
23 

24 **Daniel Feldman, Ph.D.**

25 Plaintiff in Pro Per
26
27

1 DANIEL J. FELDMAN, PH.D
HOMELESS
2 Tel: (307) 699-3223
Email: danieljfeldmanphd@gmail.com

3 PLAINTIFF PRO SE

4 SUPERIOR COURT OF THE STATE OF CALIFORNIA

5 FOR THE COUNTY OF SAN FRANCISCO

6 UNLIMITED JURISDICTION

7 DANIEL J. FELDMAN, PH.D) Case No.: CGC 21-594129
8)
9 Plaintiff) **NOTICE OF NON-VIOLENT MEDICALLY-
vs.) SUPERVISED HUNGER STRIKE AND REQUEST
10) FOR IMMEDIATE RELIEF AND SANCTIONS**
11) Date Submitted: August 25, 2025
LINDA STEINHOFF HOLMES,) Date of Trial: August 25, 2025 Time: 9:30am
AND DOES 1-30)
12 Defendants) Department 206 Master Calendar
13) Honorable Rochelle East
Judge Presiding

14 **NOTICE AND REQUEST**

15 Plaintiff Daniel Feldman gives notice of a **non-violent, medically supervised hunger strike**
16 undertaken solely to protest continuing **due-process violations** that have left discovery and motion
17 practice **open to one side only** and have repeatedly prevented Plaintiff from filing or opposing on
18 the merits. See, e.g., (1) exclusion from e-filing caused by **vendor credit-card requirements** and
19 resulting clerk rejections; (2) Department 301's statement that it could not reopen discovery
20 although discovery effectively remained open for the defense; (3) sustained inability to file a
21 **motion for reconsideration** and other oppositions while **frivolous filings** were advanced
22 **repeatedly** by the defense; and (4) ongoing attempts to convert this damages action into a trial
23 about "**violence**" already abandoned by the landlord in 2020 after ten months without evidence.
24

PLAINTIFF'S NOTICE OF HUNGER STRIKE AND REQUEST FOR RELIEF AND SANCTIONS
CGC-21-594129

--- 1 ---

1 **TO THE COURT AND ALL PARTIES:**

2
3 **INTRODUCTION**

4 I am engaging in a peaceful, time-limited **hunger strike—electrolytes only**—as a lawful protest
5 against ongoing **due-process violations** that have deprived me of a fair opportunity to be heard and
6 to prosecute my claims. I am under doctor's supervision, taking daily measurements (weight, vitals,
7 hydration) and will promptly report any safety concerns. This protest is about due process for me
8 and for similarly situated self-represented litigants who are blocked from filing or discovery by
9 clerical barriers and abusive litigation tactics.

10 **STAY**

11 I request an **immediate stay** of proceedings under the Court's inherent authority (Code Civ. Proc.
12 §§ 128(a), 187) until (a) discovery access is restored; (b) my evidentiary record is reconstituted; and
13 (c) the Court adjudicates the motions below.

14
15 **REFERRAL**

16 I request **referral to the District Attorney and appropriate agencies** for investigation of alleged
17 **hate-crime conduct, perjury/subornation, and obstruction**, together with **referral of counsel to**
18 **the State Bar** for investigation of litigation misconduct (Bus. & Prof. Code §§ 6068, 6077–6078,
19 6086.7). This referral includes Linda Steinhoff-Holmes, the staff and attorneys of the Ivy
20 Apartments in Louisville, Kentucky, and other parties, including Defense counsel, identified on
21 body-cam footage and witness accounts. Similarly, I request referral of Linda Steinhoff-Holmes,
22 James Severance, and Daniel Bornstein for the murder of Christopher Hefner and my attempted
23 murder.
24

1 **SANCTIONS**

2 I request **monetary and issue sanctions** against counsel under **CCP §§ 128.5, 128.7 (safe-harbor**
3 **permitting), and 2023.030** for (1) **frivolous motions**; (2) **recycling precluded “violence”**
4 **allegations**; and (3) **asserting knowingly false factual claims** (move-out date, “medical
5 **malingerin**g”) while simultaneously impeding my filings.

6 **STRIKING**

7 I request orders **striking** any reference, argument, or “evidence” that I am “violent,” including
8 character or propensity evidence, as **irrelevant (Evid. Code § 350), unduly prejudicial and**
9 **confusing (Evid. Code § 352), and inadmissible character evidence (Evid. Code § 1101(a))—**
10 **and because those issues were resolved in 2020 and are not at issue in this damages case.**

11
12 **DISCOVERY**

13 I request orders **restoring discovery**, reopening deadlines, and authorizing expedited
14 subpoenas/records retrieval (body-cam, audio/video, third-party records) with cost-shifting to the
15 parties and lawyers whose conduct caused the loss of my resources.

16 **COST-SHIFTING**

17 Given the loss of my home, belongings, and litigation resources, I request an order that **opposing**
18 **parties/counsel advance the reasonable costs** for subpoenas, depositions, forensic audio analysis,
19 expert consultations, and filing/service fees necessary to complete discovery, subject to later
20 reallocation.

21
22 **AMENDMENT**

23 I request **leave to amend** to add additional responsible parties (including those implicated by
24 body-cam footage and new evidence).

1 **RECUSAL/REFERRALS REGARDING MSC NEUTRAL**

2 I request that the Presiding Judge refer the **Martin F. Triano MSC assignments (2020 and 2024)**
3 to appropriate administrative authorities (including the **Commission on Judicial Performance**)
4 based on disclosed personal connections to the defendant's family and failure to recuse, and that
5 any **MSC outcomes tainted by undisclosed participants** be vacated.

6 **POLICY**

7 I respectfully note the broader due-process concern: **self-represented San Francisco litigants who**
8 **cannot e-file for lack of a credit card or are blocked by clerk/vendor actions should have**
9 **access restored and fees accommodated.** I recognize this Court cannot cure statewide policy, but
10 it **can stay this case** to prevent further prejudice here.

11
12 **TIMING OF DAMAGES**

13 I request that **damages be determined after the criminal investigation.** A conviction would
14 **increase** damages; a non-conviction could **reduce** them. Until then, a **stay** protects the integrity of
15 both tracks.

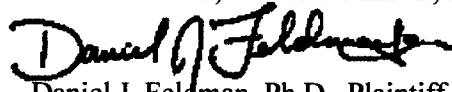
16 **SAFETY**

17 This protest is **not self-harm.** It is a **lawful act of conscience** under medical oversight. I will
18 maintain electrolyte intake and monitoring.

19
20 **RELIEF THAT ENDS THE HUNGER STRIKE**

21 The hunger strike **ends** upon entry of orders granting: **STAY, REFERRAL, SANCTIONS,**
22 **STRIKING, DISCOVERY, COST-SHIFTING, AMENDMENT,** and referral of the MSC issues.

23
24 **Executed: August 25, 2025**



Daniel J. Feldman, Ph.D., Plaintiff in pro per

> poison in my food. At least one of them was fully willing to speak with
 > the police four months ago, but he was concerned about retaliation.
 >
 > My main issue is the corruption: who addresses corruption within the
 > SFPD? What is the correct procedure for doing so, and is there someone in
 > the FBI who I should speak with? Please direct me to the appropriate
 > office. I have proof positive of such an occurrence of bribery within the
 > narcotics division, and a higher ranking individual at that, and I am
 > certain beyond any doubt that Linda Holmes, my landlady who has had several
 > aliases, has bought such protection.
 >
 > James Severance is the upstairs neighbor in 884A who avoids the police at
 > all costs, and I believe his name is an alias. There is another man in his
 > apartment who get mail by the name of "Sean Tracy" but their visitors call
 > him "Eric."
 >
 > The addresses of the labs are 884A and 886 14th St. I am in apartment
 > 884. When I made the complaint to the Narcotics unit in December, and
 > immediately after, my landlady came down here at 530 am to move things out
 > of my upstairs neighbor's apartments (like what landlady helps a tenant of
 > hers move boxes of stuff from their apartment when they were not even
 > moving?), the first thing they did, which I thought was odd, was to remove
 > the house numbers from the door of the apartment with the lab. I imagine
 > that was so no one could find them to serve a warrant or investigate. I
 > went out and actually wrote their address number "884A" on the door in
 > black permanent marker. They have scrubbed and tried to erase it several
 > times since then to hide the location. Facing the building, the doors to
 > the labs are the one on the left "886" and the one in the center "884A". I
 > doubt you'll find much in there now since someone has clearly given them a
 > two months head start to clean it up.
 >

----- Message truncated -----

Daniel Feldman <danieljfeldmanphd@gmail.com>
 To: una.bailey@sfgov.org, william.scott@sfgov.org

Wed, Feb 14, 2018 at 5:08 PM

Captains Bailey and Scott:

And yet another day has passed and not a single reply or contact back from the SFPD for two weeks of this one-sided email conversation other than a voice message from an officer at Park Station who hasn't replied to me yet. I have been trying to get an investigator assigned to help me with an attempt on my life, the lives of my cats, ongoing harassment, energy theft/diversion, bribery, and narcotics manufacture and distribution, all perpetrated by my landlord and upstairs neighbor who are in business together. I have been relatively ignored by the Park Station SITS Team for over a year now, with the officers who have been dispatched tell me to save the details for an investigator who will be assigned. Sgt Bershard (sp?) Head of the Park Station SITS team has refused all of my calls for months, not even a reply to say they were busy or not taking any of my cases, and when I finally reached him thru an internal transfer, without ever talking to me before nor having any details of my cases since the officers on the scene told me to save the information to give to the SITS Team when they call, he called me a liar and hung up the phone on me. I have that call recorded.

And when I called the main Narcotics line and made another report in person at the China Basin HQ, an investigator was not assigned. Not only that, but 4 hours after I made the report, which included overhearing them discuss killing me, the 62-yr old landlady who lives in Petaluma was here at 530am helping them to move "stuff" out of the apartment with several cars showing up to help them. She says the neighbor is a tenant, but they are clearly in this business together: what landlady shows up from out of town to help a tenant move things when he isn't actually moving out, let alone at 530am? And especially right after I had called in a report about narcotics manufacture and distribution happening in their apartment and in the garage below me.

I feel without a doubt or hesitation that they were tipped off, and two months later, they still have not been investigated. I also suspect, but I have no evidence, that Sgt Bershard has delayed and denied an investigation as he is either been influenced directly or thru another person within the SFPD. I do, on the other hand, have first hand evidence of a senior member on the SFPD narcotics team receiving a bribe to influence him to alert the individual in the event that an

5/20/2019

Gmail - URGENT: CASE 170996086

investigation or warrant would be opened at that individuals address. I am fairly certain my landlady has similar protection.

But since my complaints also go beyond narcotics and directly impact my safety, to avert an investigation into these matters is unacceptable to me. I am actually disabled full time after moving to SF five years ago to a home invasion on the first day that was not taken seriously by the SFPD nor was the assault leading to the retina being torn from my left eye due to being pistol whipped by three assailants in front of my home. I have severe PTSD with agoraphobia and panic attacks when leaving, and mostly not because of concerns of more perpetrators but of concerns of not feeling safe at all as the SFPD has demonstrated a complete lack of concern about criminal events and violence that have been done and are continuing to go on. I came to San Francisco to open a private practice to help patients with cancer. Instead, I have been relegated to my home, harassed and worse by my landlady, mugged and robbed, and utterly ignored or ridiculed by the SFPD, whose officers at times have left me in more danger than I had been before they arrived. I can tell you more if interested, but I can't even seem to get your interest in helping me with the situation at my home.

Could you do me the favor of replying to this email and letting me know what is the next step I should take, or if you found yourself in the situation I am in, where no one seems to take matters seriously that continue to threaten your life pets and property and no one responds to you from the police, what would you do? I have done everything I can imagine to get a response, including going directly to each of your stations. It would mean so much to me as I am not remotely exaggerating that I have been fully disabled for five years due to experiencing the lack of safety that I thought each person was afforded and the eminent danger in which I have been placed on multiple occasions on behalf of the police.

I would also like to know how corruption within your departments is being addressed. It has put me in danger, and I am not quite certain who to trust at the SFPD nor what steps if any I can take to help get it resolved. I have already been retaliated against for reporting bribery to DBI where I was told that they had had multiple complaints of bribery with the same inspectors that my landlady bribed, and asked for a written statement, which I went into their offices to give. Two hours later I came home to my cats choking up kibble that I do not give them, and both had to be at the vet and were in critical condition for a month from being poisoned. There are other reports of harassment that I have made, and overhearing a conversation in the garage below me about intentions to kill me for reporting this to the police.

I implore you to read the email chain below for details. I look forward to your reply, maybe tomorrow??

Thank you for your time and consideration.

Daniel J. Feldman, Ph.D.
Clinical Neuropsychologist (NYS#014172)
884 14th Street
San Francisco, CA 94114
(415) 847-8779
danieljfeldmanphd@gmail.com

[Quoted text hidden]

[Quoted text hidden]

it

Daniel Feldman PhD <danieljfeldmanphd@gmail.com>
To: Feldman Jo Anne <jojofeld@bellsouth.net>, alex@alexwangphd.com

Fri, Mar 2, 2018 at 11:13 AM

Sent from my iPad

Begin forwarded message:

From: Daniel Feldman <danieljfeldmanphd@gmail.com>
Date: February 14, 2018 at 5:08:10 PM PST
To: una.bailey@sfgov.org, william.scott@sfgov.org
Subject: Re: URGENT: CASE 170996086

[Quoted text hidden]

Daniel Feldman PhD <danieljfeldmanphd@gmail.com>

Fri, Mar 2, 2018 at 11:13 AM

<https://mail.google.com/mail/u/0?ik=7aaa6e5a79&view=pt&search=all&permthid=thread-f%3A1586788754130325076&simpl=msg-f%3A158678875...> 14/17

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

DANIEL FELDMAN, Ph.D.,

Plaintiff,

vs.

No. CGC-21-594129

LINDA STEINHOFF HOLMES, an
individual; and Does 1-10,
inclusive,

Defendants.

VIDEOCONFERENCE DEPOSITION OF DANIEL FELDMAN, Ph.D.

December 15, 2022

9:37 a.m.

Louisville, Kentucky

Reported By: Lynn E. Darling, CSR No. 6825

1 APPEARANCES

2
3 For the Plaintiff:

4 AUSTIN LAW GROUP
5 BY: JULIEN T. SWANSON, ATTORNEY AT LAW
6 584 Castro Street, Suite 2126
7 San Francisco, California 94114
8 415.282.4511
9 swanson@austinlawgroup.com

10
11 For the Defendant:

12 McNAMARA, AMBACHER, WHEELER, HIRSIG & GRAY, LLP
13 BY: LISA R. ROBERTS, ATTORNEY AT LAW
14 3480 Buskirk Avenue, Suite 250
15 Pleasant Hill, California 94523
16 925.939.5330
17 lisa.roberts@mcnamaralaw.com

18
19 RANKIN STOCK HEABERLIN O'NEAL
20 BY: STEPHANIE N. DAVIN, ATTORNEY AT LAW
21 96 N. 3rd Street, Suite 500
22 San Jose, California 95112
23 408.293.0463
24 stephanie@rankinstock.com
25

1 DANIEL FELDMAN, Ph.D.,
2 having been first duly sworn, was examined and testified
3 as follows:

4 EXAMINATION

5 BY MS. ROBERTS:

6 Q. Good morning. My name's Lisa Roberts. I'll be
7 starting off taking your deposition today.

8 Have you ever had your deposition taken
9 before?

10 A. Yes, I have.

11 You said Lisa; correct?

12 Q. Correct.

13 A. Yes.

14 Q. Approximately how many times have you had your
15 deposition taken?

16 A. I would say about a dozen times.

17 Q. Okay. And generally what were the types of
18 cases you had your deposition taken?

19 A. Well, once I was the plaintiff; once I --
20 well, I was an extra later [sic], so it was kind of
21 extra later for I think a whistleblower case; the second
22 time I was a defendant; and then the other times were
23 for work as expert witness, and so that would be about
24 ten times.

25 Q. Okay. Do you feel comfortable with the

1 me from that.

2 And I said, well, I don't want you doing drugs

3 here so there's no reason for a raid in the first place.

4 But he said, well, you know, I have this arrangement.

5 Now, what I find out is when the police --

6 they were -- PG&E pointed out that they were stealing my

7 electricity. And I have several videos about that; the

8 PG&E inspector showed me where. And I had seen Linda

9 and her husband on the ladder of my fuse box the night

10 before they turned off my electricity multiple times.

11 I thought it was harassment. It wasn't. They

12 were adding lines to my fuse box. So PG&E pointed out

13 on the video that I'd had energy theft. It was after

14 the meter, so he couldn't do anything about it. So I

15 had to get another electrician.

16 So the PG&E guy's another person who could

17 verify, and I have his permission to record him on the

18 video.

19 And I have -- and so then I have the

20 electrician, Bay Area Electric, and the gentleman there

21 who runs that company, he gave me permission to film

22 him. And there we removed the lines that were added to

23 my -- to my fuse box that were going up into the

24 upstairs two apartments, the one above me and the one

25 above James. And so we cut those.

1 And he said, you know, also inform the police
2 because -- and I'd asked Linda, I'd even given her a
3 heads up -- I said why are you doing this? Correct it,
4 please.

5 She did nothing.

6 They urged me to go to the police; it's a
7 police matter. It's a year in state prison.

8 So when I went and talked to them, they asked
9 me what she did for a living and I said she sells
10 Christmas trees; she has a Christmas tree farm. He was
11 like, don't you know what that means? I was like, no.
12 He said it's a euphemism for a grow house.

13 Oh, I didn't know that. I said it's funny
14 because she doesn't allow Christmas decorations as part
15 of her rules and she sells Christmas trees for a living
16 and she's -- and I thought she told me she was Jewish.

17 So I thought that was really odd. I said, I
18 thought there was something about it. He said it's a
19 euphemism for a grow house. And then -- and then he
20 said, you know -- because I said I really want to report
21 this energy theft; it's a year in state prison. And he
22 said, well, you know, we want you to think, Dr. Feldman,
23 very hard because we don't see many people who are
24 willing to go to state prison to save \$20.00 on their
25 electric bill. We see this in one instance only.

1 There's a narcotics lab on the premises, isn't there,
2 Dr. Feldman?

3 And I said, oh, my God. I had a V8 moment. I
4 literally hit my head like that. That explains
5 everything, everything that's been going on here. That
6 explains it. I was like that explains why there's like
7 ten people in each of their apartments coming and going.

8 And so he was taking all this information
9 down. And he said I want you to pay attention to what's
10 going on there and record what evidence you can find and
11 report that to the narcotics unit.

12 So over the next month -- I never paid much
13 attention to the front of the building -- and then I
14 did. And at night a car would come up, would go into
15 their privately rented garage below. James would let
16 them in; they would stay in for about ten minutes and
17 then that car would leave, then another car would come
18 up and they would go in the garage for ten minutes and
19 it would leave. And I began going out and taking my
20 iPad. I would take a picture of the driver, a picture
21 of the license plate, and wave at them hello and go back
22 into my apartment.

23 I thought that would deter them. I just
24 wanted to deter them. And so I gave that information.

25 At one point I called the narcotics unit.

1 controlled apartment in San Francisco unless I could get
2 compensation back from that.

3 Q. What kind of compensation were you expecting?

4 A. Loss of future rent. I mean, I'd -- she
5 already prohibited me from working there. I'd already
6 lost a lot of money and this just -- the harassment, I
7 wanted to get future rent money and past rent money that
8 was due to me during all the time -- the months that the
9 apartment was in violation of DBI Notices of Violation,
10 that she was not due rent and I paid her and I wanted
11 that money back.

12 Q. And did you ever consider filing a lawsuit?

13 A. Well, I considered going to the Rent Board and
14 I went to the -- at the urging of the Tenants Union and
15 the advice I was given from the Rent Board was because
16 at the time, the Notices of Violation were abated, even
17 though no work had been done on the violation, after my
18 front door security camera where I record a bribe
19 between my landlord's representative, Robert Noelke --
20 he used to work at DBI -- and three Department of
21 Building Inspection inspectors, and so the Rent Board
22 said, well, if they say it's abated, we have to go by
23 whatever DBI says, and a lawsuit would probably be the
24 same.

25 If DBI says that the violation, Notice of

1 Violation was -- it was abated, that the work was done,
2 then the work was done. So you need to prove that there
3 was a bribe. You need to prove it was fraudulently
4 abated.

5 And I said that will be easy because I have a
6 recording and I also have video of it and some
7 photograph evidence that the violations were not put in
8 order, there was no work done on them, some of them at
9 all. And it had been 18 months, 18 months that she was
10 not allowed to collect rent and she did.

11 Q. And you continued to pay rent?

12 A. I continued to pay rent.

13 I mentioned to her -- but, yeah, I didn't want
14 to just -- I couldn't just not pay rent and get evicted
15 for nonpayment of rent.

16 Q. What was your rent at the time that you left?

17 A. 2,800.

18 Q. Did you look for any other rent controlled
19 apartments?

20 A. They're well out of my price range. At that
21 point I didn't have the income I had when I -- when I
22 moved in with Linda. I'd just made 540,000. At that
23 point I'd had several years of zero, no employers to
24 speak of. How would I get an apartment?

25 I did not have money to put down for a

November 19, 2016

Daniel *Feldman*

The new House Box has been installed and approved by PG&E. There has not been any power used from your meter since the end of October.

The lights in the garage were turned on only when we were there sweeping or doing other things for the Building, approximately ½ to 1 hour per week. The light (one energy efficient light bulb) in the Entrance to the Building was set to be on 3 hours per day for the tenants comfort. The light by the garbage cans was always turned off, we seldom found it on. It was probably on only a short time per day. The Garage Door was opened and closed three times per week.

Therefore after speaking with several people from PG&E, the Electrician who installed the new equipment, many other knowledgeable persons, and other Electricians that estimated the job, I feel confident that the amount of \$10.00 per month, is a very fair amount of reimbursement.

I have enclosed our check No. 9151 in the amount of \$450.00 as reimbursement.

Regards

Linda S. Holmes

*\$10.00
x 45 Months
450.00*

*Mailed 11/19/2016 (Raining)
✓ CK #9151 \$450.00*

Incident Details

Incident Number: LMPD250174562

Incident Status: Closed

Incident Date: 05/20/2025 10:09:22

Last Updated: 05/20/2025 11:33:25

INCIDENT INFORMATION

Incident Type Code:	1041	Incident Type Description:	1041 - REPORT
Priority:	4	Incident Status:	Closed
Created By Name:	MILLER, ROBYN	Created by Agency/Userid:	MS/RMILLER
Modifying Circ:		Dispositions:	CNR
Report Numbers:	LMPD25-056874 (LMPD/813A) (LMPD/813A)		
Associated Incidents:	None		

LOCATION INFORMATION

Location Name:		Building:	
Address:	3300 ALTABROOK DR	Apartment:	
City:	LOUISVILLE	Cross Street:	13600 ARAGON WAY / 3300 CLEVES TRCE
Area:	8	Sector:	823
Zone:	831	Reporting District:	
Latitude:	38.28324855	Longitude:	-85.49709918

CALLER INFORMATION

Caller Name:		Caller Phone Number:	
Caller Location:		Caller City:	
Contact Caller:		Call Source:	PHONE

INCIDENT TIMES

EVENT:	DATE TIME:	AGENCY/USER:	DEVICE:	EVENT:	ELAPSED TIME:
ANI/ALI Received:				Call Received to Phone Pickup:	N/A
Phone Pickup:				Phone Pickup to Created:	N/A
Incident Created:	05/20/2025 10:09:22	MS/RMILLER	911MS109	Phone Pickup to 1st Dispatch:	N/A
1st Unit Dispatched:	05/20/2025 10:10:53	MS/CSKAGGS	911MS145	Created to 1st Dispatched:	00:01:31
1st Unit Enroute:				1st Dispatch to 1st Enroute:	N/A
1st Unit Arrived:	05/20/2025 10:52:46	LMPD/7802	MDTLMPD0877	1st Enroute to 1st Arrived:	N/A
Route Closed:	05/20/2025 11:33:25	MS/CSKAGGS	911MS145	Created to Closed:	01:24:03

ASSIGNED UNITS

Pri	UNIT:	DISPATCH:	ENROUTE:	ARRIVE:	ENROUTE HOSPITAL:	ARRIVE HOSPITAL:	CLEAR:	DISPATCH TO CLEAR:	DISPO:
*	LMPD/813A	05/20/2025 10:10:53		05/20/2025 10:52:46			05/20/2025 11:33:25	01:22:32	CNR

21:43 Officer #2

What the sign you think was on it?

21:46 Officer Carmel

uh i'm gonna clarify that it's like uh he's on they he's got some lawsuit with uh here and he's talking to me on a computer Hey, Daniel, this is Officer Carmel.

22:01 Daniel

Oh, yeah, I was still talking. I don't know if you love that when that happens. You're still like an idiot.

22:08 Officer Carmel

Okay, I just wanted to make sure that your mom came by today around. Okay, round seven. Okay. And exactly what was on those signs? You said it was no trespassing and something about a federal thing?

22:24 Daniel

Do you have, can you send, if you send me a text message, I can send you a copy of the sign of what it said. And that also has the federal court number where I asked the judge for an emergency restraining order in the morning against him.

22:41 Officer Carmel

Okay, so what I'm going to do for that is I'm going to send you a link to your phone for what we call Axon. It's our reporting system.

22:51 Daniel

Then that way...

22:51 Officer Carmel

Then that way. then that way you can upload any video or footage photos that pertain to your sheds being broken

23:00 Officer Carmel

into and uh i'll send you that link tonight and then uh you just upload that and all of that will go under this report number that i have given you and then that way any federal

23:13 Officer #2

That way...

23:15 Officer Carmel

jurisdiction anything in the lawsuits they can go back to my report and they can pull that up they can pull up the evidence from my body cam from the photos that you submit and they can use that in court Instead of doing this text back and forth between officer and person,

23:29 Daniel

Instead of doing this.

23:32 Officer Carmel

it's better to go through the Axon link than it is.

23:35 Daniel

Can I go to the Axon link to get a copy of the video?

23:43 Officer Carmel

I don't know.

23:43 Daniel

FILED
San Francisco County Superior Court

AUG 21 2025

CLERK OF THE COURT

BY: Judith C. [Signature]
Deputy Clerk

DANIEL J. FELDMAN, PH.D.
No Mailing Address
Tel: (307) 699-3223
Email: danieljfeldmanphd@gmail.com

PLAINTIFF PRO SE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

DANIEL J. FELDMAN, PH.D.
Plaintiff,

vs.

LINDA STEINHOFF HOLMES, AND DOES 1-30
Defendants.

) Case No.: CGC 21-594129

) NOTICE OF CHANGE OF ADDRESS &

) OBJECTION TO UNFAIR TRIAL AND

) DENIAL OF DUE PROCESS

) Date: July 7, 2025

) Department 206

) Honorable Judge Rochelle East

1. Notice of Change of Address

Effective May 27, 2025, Plaintiff has no fixed mailing address due to homelessness directly caused by Defendant's actions and procedural failures in this case. All future service must be made to:

danieljfeldmanphd@gmail.com

Attempts to serve via prior physical addresses will not be effective.

NOTICE OF CHANGE OF ADDRESS & OBJECTION TO UNFAIR TRIAL AND DENIAL OF DUE PROCESS -
- 1 - CGC 21-594129 FELDMAN V STEINHOFF-HOLMES

1 **2. RENEWED OBJECTION TO UNFAIR TRIAL AND DENIAL OF DUE**
2 **PROCESS**

3 Plaintiff incorporates by reference the February 6, 2025 objection, and renews these objections
4 based on the continued denial of fairness, as follows:

- 5
- 6 1. **Plaintiff Was Denied the Right to Be Heard:** The court refused to allow Plaintiff to speak
7 or rebut Defense's misstatements before ruling on the ex parte application.
 - 8 2. **Falsehoods by Defense Counsel Went Uncorrected:** Defense made factual
9 misrepresentations, which Plaintiff was blocked from correcting, with full knowledge by co-
10 counsel.
 - 11 3. **Double Standard in Medical Proof:** Defendant was granted a continuance with zero
12 documentation; Plaintiff was previously required to provide strict medical proof.
 - 13 4. **Unfair Discovery Restrictions:** Plaintiff was prevented from conducting discovery due to
14 court errors and removal from his own case; Defendant had full discovery access.
 - 15 5. **Ongoing Slander and Defamation:** Defendant's disproven and defamatory statements
16 continue to be allowed in court, further harming Plaintiff.
 - 17 6. **Pattern of Judicial Bias:** The court systematically imposed stricter requirements on
18 Plaintiff than Defendant and relied on procedural obstacles to block Plaintiff's participation.
19
 - 20 7. **NEED TO REOPEN DISCOVERY (KEY ADDITION):**
21 Plaintiff was precluded and excluded from participating in discovery last year—barred from
22 objecting, serving, or responding to discovery due to actions and errors of this Court and its
23 staff. Meanwhile, the defense was allowed full discovery and obtained unfair procedural
24 advantage.
25
26
27

1 **8. Relief Requested:**

- 2 ○ The Court must immediately **reopen discovery for the Plaintiff only** (with a
3 reasonable period for completion), and no further hearings or adverse rulings should
4 be issued until Plaintiff has had the same discovery rights as the Defendant already
5 enjoyed.
6 ○ Any further stay or delay in the proceedings must apply to allow Plaintiff full
7 opportunity for discovery and evidence gathering, before trial, summary judgment,
8 or any dispositive hearing.
9

10
11
12 **REQUESTED RELIEF:**

13 Plaintiff respectfully requests that the Court:

- 14
15 1. Take judicial notice of all ongoing and past objections as set forth above and in the February
16 6, 2025 record.
17 2. Require all service to Plaintiff by email.
18 3. Vacate or reconsider all orders entered under unfair or prejudicial procedures.
19 4. Reopen discovery for Plaintiff only, and stay proceedings until Plaintiff's discovery is
20 complete.
21 5. Ensure Plaintiff is allowed oral argument at all future hearings before any ruling is made.
22 6. Bar further use of disproven defamatory statements as a basis for procedural or substantive
23 rulings.
24 7. Apply all standards and requirements equally to all parties and correct all procedural errors
25 to restore Plaintiff's due process rights.
26
27

28 NOTICE OF CHANGE OF ADDRESS & OBJECTION TO UNFAIR TRIAL AND DENIAL OF DUE PROCESS -
 - 3 - CGC 21-594129 FELDMAN V STEINHOFF-HOLMES

1 by the Defense that require more immediate attention as Court Orders have been made while
2 I have been compromised with injury, an ongoing illness, and technical challenges outside of
3 my control.

4 42. In accordance with CCCP §1008(a), I received an e-mail with a file stamped copy of the
5 order attached on March 15, 2024, document signed by Jody Struck, attorney for Ms.
6 Holmes, captioned "Notice of Entry of Order Granting in Part and Denying in Part
7 Defendant's Motion for Summary Adjudication."

8 43. The Motion for Reconsideration and this affidavit were timely prepared within ten (10) days
9 of receipt of notice of entry of the order, yet I was unable to file the Motion using the
10 e-filing procedures for which I have been granted a fee waiver.

11 44. There are genuine issues of material fact in dispute and additional evidence that were not
12 considered during the hearing on February 1, 2024. Specifically,

13 a. Issues of Fact

- 14 i. the date the cause of action for retaliatory eviction accrued
15 ii. the date I actually vacated the apartment
16 iii. the date I surrendered possession of the apartment

17 b. New Evidence the Court did not Consider

- 18 i. the Amended Complaint for Unlawful Detainer,
19 ii. the omission of multiple retaliatory acts of the Defendant in 2020,
20 iii. the Stipulation and
21 iv. e-mails between myself and Ms. Holmes' attorneys, Cheung and Bornstein,
that documented the return of the apartment keys.

45. The new evidence shows there are genuine issues of material fact in dispute that changes the
date the cause of action for retaliatory eviction accrued, the date I surrendered possession
and the date the statute of limitations began to run from December 26, 2019 to October 15,
2020.

1 46. The date change to October 15, 2020 places the filing of the Complaint well within the
2 statute of limitations.

3 47. The date change to October 15, 2020 is supported by the actions of Ms. Holmes and her
4 attorneys. Specifically, Ms. Holmes and her attorneys did not believe:

- 5 a. the cause of action accrued on December 26, 2020
6 b. I vacated on December 26, 2020 or
7 c. that possession was transferred on December 26, 2020 or
8 d. that further instances of retaliation had not occurred since December 26, 2020,

9 48. If they actually believed December 26, 2020 was the operative date they would not have
10 continued to litigate the unlawful detainer case, to have possession transferred to Ms.
11 Holmes, until September 15, 2020.

12 49. The fact that they continued to try to get possession transferred to Ms. Holmes, via the
13 unlawful detainer action, after December 26, 2019 until September 15, 2020 and signed the
14 Stipulation, which was reviewed and approved by her attorney, Daniel Cheung, and by
15 Judge Richard B. Ulmer, Jr. conclusively proves December 26, 2019 is not:

- 16 a. the date the cause of action accrued, or
17 b. the date I vacated, or
18 c. the date possession was transferred or
19 d. the date the statute of limitations began to run.

20 50. The new evidence also shows Ms. Holmes and her attorneys misled the court, lied in
21 documents filed with the court, filed a frivolous motion for summary adjudication with
supporting documents, failed to provide result changing documents to the court (Amended
Complaint for Unlawful Detainer, the Stipulation and email with Daniel Cheung), omitted
numerous retaliatory acts made by Ms. Holmes, and demonstrated a serious lack of candor
toward the court and opposing party.

1 DANIEL J. FELDMAN, PH.D
2 13647 Aragon Way Apt 303
3 Louisville, KY 40245
4 Tel: (307) 699-3223
5 Email: danieljfeldmanphd@gmail.com

6 PLAINTIFF PRO SE

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 FOR THE COUNTY OF SAN FRANCISCO

9 UNLIMITED JURISDICTION

10 DANIEL J. FELDMAN, PH.D
11 Plaintiff

12 vs.

13 LINDA STEINHOFF HOLMES,
14 AND DOES 1-30
15 Defendants

) Case No.: CGC 21-594129

)
) **DECLARATION IN SUPPORT OF**
) **PLAINTIFF'S MOTION TO CONTINUE**
) **TRIAL AND EXTEND DISCOVERY**
) **DEADLINE**

)
) Date Submitted: August 26, 2024
) Date of Hearing: August 27, 2024 11:00am
) Dept. 206
) Honorable Anne-Christine Massullo,
) Judge Presiding

16
17 **I, Daniel J. Feldman, Ph.D., declare:**

18
19 1. I am the Plaintiff in the above-entitled action.

20 2. On June 14, 2024, I underwent retinal surgery for an unexpected detached retina caused during an
21 armed attack as I was leaving my residence at the Defendant's building. This incident is related to
22 the ongoing litigation in this case. My recovery required me to remain on my side for two weeks
23 and then to keep my head face-down for an additional six weeks, severely limiting my ability to
24 participate in trial preparation and attend necessary depositions.
25

26
27
28 **DECLARATION IN SUPPORT OF PLAINTIFF'S MOTION TO**
CONTINUE TRIAL AND EXTEND DISCOVERY DEADLINE

--- 1 ---

ELECTRONICALLY

FILED

Superior Court of California,
County of San Francisco

08/26/2024

Clerk of the Court

BY: RONNIE OTERO

Deputy Clerk

1 3. On August 16, 2024, I was informed by my doctors that my retina had detached again,
2 necessitating urgent surgery to prevent permanent blindness. This emergency surgery was initially
3 scheduled for August 23, 2024. However, due to the pressing trial date, I made the difficult decision
4 to cancel the surgery to ensure my participation in this case. My eye specialists have warned that
5 without immediate surgery, I will likely go blind in my left eye.
6

7 4. Due to my medical condition and the urgent need for surgery, I am physically unable to prepare
8 for or attend the trial as currently scheduled. I have attached all relevant medical documentation to
9 substantiate my condition and the necessity for postponing the trial.
10

11 5. Since November 2023, I have encountered significant technical issues with the court's electronic
12 filing system, including errors in my name and status as Plaintiff, leading to multiple rejected filings
13 and delays. These technical difficulties have not only prevented timely submissions but also
14 obstructed communication with the court and opposing counsel, impacting my ability to effectively
15 manage discovery and other pre-trial preparations.
16

17 6. Currently, my name appears 12 different times in the court's system with various incorrect
18 spellings and representations. To resolve these technical issues, it is necessary for the court's
19 records to be corrected so that:
20

21 - ****Each Party is Accurately Represented****: The electronic filing system must list each
22 party only once with their correct first and last names, and only if they are currently involved in the
23 case.
24

25 - ****Removal of Incorrect and Duplicate Entries****: All incorrect and duplicate entries for
26 all parties, including myself as the Plaintiff, must be removed.
27

28 DECLARATION IN SUPPORT OF PLAINTIFF'S MOTION TO
CONTINUE TRIAL AND EXTEND DISCOVERY DEADLINE

--- 2 ---

1 7. I am requesting this continuance to ensure a fair trial and to allow time for my full
2 recovery, resolution of technical issues, and completion of necessary discovery and pre-trial
3 preparation. The trial and discovery deadlines should commence 16 weeks from the date that the
4 correction of the data corruption issues is verified by the Court. I declare under penalty of perjury
5 under the laws of the State of California that the foregoing is true and correct.
6

7 Executed on August 26th. 2024,] at Louisville, Kentucky.

8
9 Respectfully submitted,

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13 Daniel Feldman, Ph.D.

14 Plaintiff in Pro Per
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28
DECLARATION IN SUPPORT OF PLAINTIFF'S MOTION TO
CONTINUE TRIAL AND EXTEND DISCOVERY DEADLINE

--- 3 ---



(502) 895-0040 | Toll free (800) 477-0055

FAX: (502) 400-4021 or (502) 361-4488

www.eyecenters.com

08/16/2024

To Whom it May Concern:

Daniel Feldman is currently under our care with Bennett & Bloom Eye Care. Patient had a retinal detachment, left eye and had surgery with Dr. Janelle Adeniran on 6/14/2024. Patient at that time had a gas bubble put in place. Which had restricted the Patient to fly or drive in high altitudes over a 1000 feet. Patient was seen today, 8/16/2024 and now has a re-detachment in his left eye again. Patient is scheduled for another retinal detachment surgery on 8/23/24. At that time Patient will now have a Gas/ Silicone oil put in place. The post-op instructions will have Patient do the "face down position" after surgery for 1-2 weeks after surgery. Again, will not be able to fly or drive thru high altitudes for 6-8 weeks following surgery.

Please do not hesitate to call if you have any questions.

Sincerely,

Mohammad A. Gadiq, MD

WARNING: This important information is provided to you about your eye surgery. You have a gas bubble in your eye. Use of Nitrous Oxide (N₂O) or change in atmospheric pressure with a gas bubble present may cause an increase in pressure in your eye, which can result in blindness. Advise all health care providers that you have a gas bubble in your eye before undergoing any surgical or dental procedure, or

hyperbaric oxygen therapy and have them contact your Ophthalmologist on the reverse side of this card or your bracelet.

The following restrictions apply until you have been advised accordingly by your Ophthalmologist:

- Do not travel in an airplane. Changes in elevation may cause an increase in pressure in your eye, which can result in blindness.

1 **Daniel J. Feldman, Ph.D.**

2 **HOMELESS c/o 6009 W. Parker Rd. Ste 149-1055**

3 **Plano, TX 75093**

4 **Telephone: (435) 612-0242**

5 **Email: danieljfeldmanphd@gmail.com**

6

7 Plaintiff further gives notice that the mailing address used on the Clerk's Notice of Filing of Notice
8 of Appeal filed March 17, 2026, was incorrect. That notice was mailed to **13647 Aragon Way Apt.**
9 **303, Louisville, Kentucky 40245.**

10

11 Plaintiff respectfully requests that the Court use the email address listed above for **prompt notice**
12 **and communication** in this action. The court file reflects prior requests for email-based service and
13 filing accommodations, including requests that email service be deemed effective while filing-
14 system access problems persisted and that email-only service be used.

15

16 Plaintiff further states that the filing-access problems previously raised in this matter were **not**
17 **isolated**, were **not fully corrected**, and **continue to appear in the electronic filing system**. The
18 attached exhibit reflects the current party listings shown in the filing platform and shows multiple
19 duplicate plaintiff entries associated with Plaintiff's name, including one plaintiff entry available for
20 selection and additional plaintiff entries that are not available for selection. The exhibit also reflects
21 an unusually high number of listed parties and multiple plaintiff entries associated with Plaintiff's
22 name. These duplicate and inconsistent party listings are consistent with Plaintiff's prior filings
23 describing filing barriers, mis-indexing, and loss of access, and they show that similar filing-access

24

PLAINTIFF'S NOTICE REQUESTING USE OF UPDATED EMAIL CONTACT INFORMATION AND
CORRECTION OF SERVICE ADDRESS - CGC-21-594129

--- 2 ---

1 problems may recur in the future unless the Court finally corrects the record and party information
2 in this case.

3
4 Plaintiff has been requesting correction of these filing and service problems for **approximately two**
5 **years**, and the problem has **never been fully corrected**. Plaintiff is homeless and relies on email for
6 prompt receipt of notices and communications concerning this action. Plaintiff therefore
7 respectfully but firmly requests that the Court:

- 8
9 (1) update Plaintiff's contact information immediately;
10 (2) use the email address listed above for notices and communications in this action; and
11 (3) correct any outdated, inaccurate, duplicate, or conflicting party-listing and contact information
12 associated with Plaintiff in the Court's filing system and related service records.

13
14 Dated: March 18, 2026

15 

16 Daniel J. Feldman, Ph.D.

17 Plaintiff, Pro Se

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PLAINTIFF'S NOTICE REQUESTING USE OF UPDATED EMAIL CONTACT INFORMATION AND
CORRECTION OF SERVICE ADDRESS - CGC-21-594129

--- 3 ---

EXHIBIT A

Screenshots of File&ServeXpress taken on March 9, 2026 related to Case CGC-21-594129

☒ File & Serve in this case Show 50 records

☒ Feldman v Steinhoff-Holmes

Case Number	Court Name	Division	Case Class	Case Type
CGC-21-594129	CA Superior Court, County of San Francisco-Civil		Civil-General Civil-Unlimited - \$35,001+	Wrongful Eviction (Civil 3)
File & ServeXpress Live Date: 7/28/2021				

Court Officials

Participant Name	Participant Type	Organization
Judge, Civil	Judge	CA Superior Court County of San Francisco-Civil

Case Parties Show Active Case Parties

Party Name	Party Type	Attorney	Attorney Type	Firm
Feldman, Daniel	Plaintiff	Swanson, Julien	Attorney In Charge	Austin Swanson Law Firm PC
Feldman, Daniel	Plaintiff	Swanson, Julien	Attorney In Charge	Austin Swanson Law Firm PC
Feldman, Daniel PhD	Plaintiff	No Answer on File	N/A	Firm TBD
Feldman, Daniel PhD	Plaintiff	No Answer on File	N/A	Firm TBD
Feldman, Daniel PhD Pro Per	Plaintiff	No Answer on File	N/A	Firm TBD
Feldman, Daniel PhD Pro Per	Plaintiff	No Answer on File	N/A	Firm TBD
Feldman, Daniel PhD Pro Per	Plaintiff	Feldman, Daniel	Pro Se	Daniel Feldman
Feldman, Daniel PhD Pro Per	Plaintiff	No Answer on File	N/A	Firm TBD
Holmes, Linda Steinhoff	Defendant	Abern, Steven Sheriff	Attorney In Charge	Abern, Steven Sheriff
Holmes, Linda Steinhoff	Defendant	Duncan, Adrienne C	Attorney In Charge	Clapp Moroney Vuchnich Beeman & Scheley-Pleasanton
Holmes, Linda Steinhoff	Defendant	Straus, Marvin J	Attorney In Charge	Straus Meyers LLP
Holmes, Linda Steinhoff	Defendant	Straus, Marvin J	Attorney of Counsel	Straus Meyers, LLP
Steinhoff-Holmes, Linda	Defendant	Moroney, Clapp	Attorney In Charge	McNamara Ambacher Wheeler-Pleasant

1-13 of 13 Case Parties

File & ServeXpress

Pay My Invoice | Preferences | Sign Out
Feldman, Daniel | Daniel Feldman

HOME FILING & SERVICE ALERTS SEARCH

Start A Transaction Saved Transactions Scheduled Transactions

3/9/26 2:52 PM PDT Documents Sending Parties Service Add'l Recipients Review & Submit

Select Sending Parties Transaction ID: 78650702 Cancel Save & Close

CGC-21-594129 Feldman v Steinhoff-Holmes CA Superior Court County of San Francisco-Civil

Search Custom Groups Add Party/Attorney ?

Create Custom Group Show 50 results per page

Parties with Representation Available for Selection 1 through 1 of 1

Party	Party Type	Party Status	Attorney	Firm
☒ Feldman, Daniel PhD Pro Per	Plaintiff	Active	Feldman, Daniel	Daniel Feldman

Parties without Representation Available for Selection

Any attorney additions to cases will remain in Pending status until the Court accepts your transaction. 1 through 5 of 5

Please include your attorney type representation when making an initial appearance.

Party	Party Type	Party Status	Attorney Type	Attorney	Firm
☐ Feldman, Daniel PhD	Plaintiff	Active		No Answer on File	Firm TBD
☐ Feldman, Daniel PhD	Plaintiff	Active		No Answer on File	Firm TBD
☐ Feldman, Daniel PhD Pro Per	Plaintiff	Active		No Answer on File	Firm TBD
☐ Feldman, Daniel PhD Pro Per	Plaintiff	Active		No Answer on File	Firm TBD
☐ Feldman, Daniel PhD Pro Per	Plaintiff	Active		No Answer on File	Firm TBD

PLAINTIFF'S NOTICE REQUESTING USE OF UPDATED EMAIL CONTACT INFORMATION AND
CORRECTION OF SERVICE ADDRESS - CGC-21-594129

--- 4 ---

Case-party table from App. 149a

Enlarged detail for legibility; the complete original page remains at App. 149a.

Case Parties			Show	Active	Case Parties	1-13 of 13 Case Parties
Party Name	Party Type	Attorney	Attorney Type	Firm		
Feldman, Daniel	Plaintiff	Swanson, Julien	Attorney in Charge	Austin Swanson Law Firm PC		
Feldman, Daniel	Plaintiff	Swanson, Julien	Attorney in Charge	Austin Swanson Law Firm PC		
Feldman, Daniel PhD	Plaintiff	No Answer on File	N/A	Firm TBD		
Feldman, Daniel PhD	Plaintiff	No Answer on File	N/A	Firm TBD		
Feldman, Daniel PhD Pro Per	Plaintiff	No Answer on File	N/A	Firm TBD		
Feldman, Daniel PhD Pro Per	Plaintiff	No Answer on File	N/A	Firm TBD		
Feldman, Daniel PhD Pro Per	Plaintiff	Feldman, Daniel	Pro Se	Daniel Feldman		
Feldman, Daniel PhD Pro Per	Plaintiff	No Answer on File	N/A	Firm TBD		
Holmes, Linda Steinhoff	Defendant	Abern, Steven Sheriff	Attorney in Charge	Abern, Steven Sheriff		
Holmes, Linda Steinhoff	Defendant	Duncan, Adrienne C	Attorney in Charge	Clapp Moroney Vucinich Beeman & Scheley-Pleasanton		
Holmes, Linda Steinhoff	Defendant	Straus, Marvin J	Attorney in Charge	Straus Meyers LLP		
Holmes, Linda Steinhoff	Defendant	Straus, Marvin J	Attorney of Counsel	Straus Meyers, LLP		
Steinhoff, Holmes, Linda	Defendant	Moroney, Clapp	Attorney in Charge	McNamara Ambacher Wheeler-Pleasant		

Sending-party list from App. 149a

Enlarged detail for legibility; the complete original page remains at App. 149a.

☐ Create Custom Group

results per page

Parties with Representation Available for Selection 1 through 1 of 1

Party	Party Type	Party Status	Attorney	Firm
☒ Feldman, Daniel PHD Pro Per	Plaintiff	Active	Feldman, Daniel	Daniel Feldman

Parties without Representation Available for Selection
 Any attorney additions to cases will remain in Pending status until the Court accepts your transaction. 1 through 5 of 5
 Please include your attorney type representation when making an initial appearance.

Party	Party Type	Party Status	Attorney Type	Attorney	Firm
☐ Feldman, Daniel PHD	Plaintiff	Active		No Answer on File	Firm TBD
☐ Feldman, Daniel PHD	Plaintiff	Active		No Answer on File	Firm TBD
☐ Feldman, Daniel PHD Pro Per	Plaintiff	Active		No Answer on File	Firm TBD
☐ Feldman, Daniel PHD Pro Per	Plaintiff	Active		No Answer on File	Firm TBD
☐ Feldman, Daniel PHD Pro Per	Plaintiff	Active		No Answer on File	Firm TBD

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

LINDA STEINHOFF HOLMES,

Plaintiff,

v.

Case No.:
CUD-19-666401

DANIEL FELDMAN,

Defendant.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

RE NONAPPEARANCE OF
LINDA STEINHOFF HOLMES

July 13, 2020

9:49 a.m.

201 Mission Street, Suite 600

San Francisco, California

REPORTED BY:

Siew G. Ung

CSR No. 13994, RPR, CSR

1 APPEARANCES:

2

3 For DANIEL FELDMAN

4 DANIEL FELDMAN
5 8809 Denington Drive
6 Louisville, Kentucky 40222
307.699.3223
danieljfeldmanphd@gmail.com

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SAN FRANCISCO, CALIFORNIA;

MONDAY, JULY 13, 2020, 9:49 A.M.

MR. FELDMAN: It is now -- let the record show it's now 9:49 a.m. on Monday, July 13th. The plaintiff was e-served on July 1st and July 9th about this deposition. The e-service went to Daniel Cheung, C-H-E-U-N-G, and Daniel Bornstein, attorneys for Plaintiff Linda Steinhoff Holmes. Linda is -- it's now 9:50 and Linda Steinhoff Holmes has not appeared for her deposition. I -- in addition to the deposition, the defendant was served discovery and has not responded whatsoever.

The -- in fact, the plaintiff and her attorneys have not responded to any communications from this defendant in pro per since the unlawful detainer was filed in December despite multiple requests for information, specifics about the case and particularly about the habitability of the apartment and the expenses I have had to incur due to my inability to live in my apartment.

Let it be known that it is my -- my opinion that the attorneys have suborned perjury from Linda Steinhoff Holmes who has made multiple ex-parte motions against me and are using the COVID stay order as a delay

1 tend to prove or disprove the issues raised in the
2 plaintiff's First Amended Complaint and my answer and
3 resolve potentially disputed matters, the underlying
4 incident, the identity and location of potential
5 witnesses and/or facilitate the settlement.

6 Discovery of the documents is also necessary
7 for trial preparation and to prevent surprises at trial.
8 Plaintiff has failed to respond to any admissions which
9 permits the court to deem all such matters admitted.

10 Regardless of the reason or the excuse for the
11 delay or failure to respond, it's mandatory that the
12 court impose monetary sanctions under Chapter 7 of the
13 party whose failure to serve a timely response to
14 Request for Admission necessitated this motion.

15 The fee for today's deposition was set at
16 \$1,500 including the court reporter's time -- which
17 includes the court reporter's time. And we hereby
18 adjourn today's meeting.

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1 STATE OF CALIFORNIA)
2)
3 COUNTY OF MARIN)

4

5 I, Siew Ung, a Certified Shorthand Reporter, do
6 hereby certify:

7 That prior to being examined, the witness in the
8 foregoing proceedings was by me duly sworn to testify to
9 the truth, the whole truth, and nothing but the truth;

10 That said proceedings were taken before me at the
11 time and place therein set forth and were taken down by
12 me in shorthand and thereafter transcribed into
13 typewriting under my direction and supervision;

14 I further certify that I am neither counsel for,
15 nor related to, any party to said proceedings, nor in
16 any way interested in the outcome thereof.

17 In witness whereof, I have hereunto subscribed my
18 name.

19

20 7/13/2020

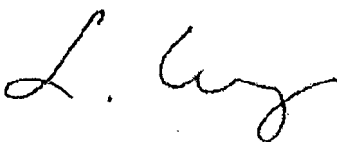
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Siew Ung
CSR No. 13994, RPR, CSR

1 DANIEL J. FELDMAN, PH.D
2 13647 Aragon Way Apt 303
3 Louisville, KY 40245
4 Tel: (307) 699-3223
5 Email: danielfeldmanphd@gmail.com

6 PLAINTIFF PRO SE

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 FOR THE COUNTY OF SAN FRANCISCO

9 UNLIMITED JURISDICTION

10 DANIEL FELDMAN, PH.D.

11 Plaintiff,

12 vs.

13 LINDA STEINHOFF HOLMES, AND DOES

14 Defendants.

15) Case Number: CGC 21-594129

16) PLAINTIFF'S DECLARATION IN SUPPORT
17) OF EX PARTE MOTION FOR
18) CONTINUANCE OF DEFENDANT'S
19) MOTION FOR ATTORNEY FEES

20) Date: May 24, 2024

21) Time: 9:00 a.m.

22) Location: Department 501

23) Judge: Hon. Charles F. Haines,
24 Judge Presiding

25 I, DANIEL FELDMAN, PLAINTIFF in the above matter declare as follows to
26 be true under penalty of perjury:

27 1. TECHNICAL ISSUE THAT REMOVED ME AS PLAINTIFF ON THIS
28 CASE FROM APPROVED E-FILING VENDORS FROM MID-JANUARY UNTIL
29 MAY 20, 2024

- Due to a formatting change in the data supplied by the San Francisco
Superior Court, my name was stripped in the submission of data to approved e-
PLAINTIFF'S DECLARATION IN SUPPORT OF EX PARTE MOTION FOR CONTINUANCE

1 filing vendors, having something to do with the punctuation that was put into my
2 last name when this case was initially opened.

3
4 - The vendors insisted that the issue was coming from the SFSC data feed,
5 yet refused to intervene on my behalf or even provide documentation, telling me to
6 take it up with the Court Clerks myself. And yet, the Clerks, as helpful as they
7 were in exploring options for why the issue was occurring, insisted that it was
8 either something I was doing incorrectly or a vendor-specific issue, and initially
9 refused to work with the vendors to determine the source of the issue.

10
11 - This issue significantly impacted my ability to Oppose the Motion for
12 Summary Adjudication, despite being told that my answers that I sent
13 complimentary copies to both the opposing side and the clerks would be able to be
14 filed "within a couple of days." I was the Opposing Party for that Motion and both
15 parties were present, a condition that should have afforded me the ability to make
16 an oral argument at that hearing according to the SFSC rules that were accurately
17 quoted in the Defense' Declaration supporting that motion. And yet, during that
18 hearing, I was muted and told by the Court that I had an opportunity to oppose the
19 motion in writing and had previously declined to file anything, and as such, I forfeit
20 any oral argument during the hearing. Therefore, Summary Adjudication was
21 granted in part based on an entirely frivolous claim by the Defense that I was not
22 permitted to Oppose, due to a technical matter in filing and a denied opportunity to
23 make an oral argument during the hearing. Defense counsel, as barred attorneys,
24 should have raised the point during the hearing when I was unfairly denied to
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1 make an oral argument, but they said nothing.

2 - In March, after being told erroneously that the eFiling glitch would be
3 resolved, I attempted to file a Motion for Reconsideration within the Court rules
4 and guidelines. Once again, I was not listed as the Plaintiff in this matter at three
5 different e-filing vendors. As Honorable and Emeritus Ronald Quidachay had
6 signed the Order, the Reconsideration needed to be heard before him, and his
7 calendar is not available to the public, the Department Clerks would be needed in
8 order to pick a hearing date for that Motion. Despite several requests in writing
9 and in voicemails to the Department 501 clerks for assistance in getting a hearing
10 date, the timeline for responding with the Motion for Reconsideration lapsed. The
11 filing Clerks, in response to my inquiries as what to do in a Judge Emeritus
12 situation when the Department Clerks do not respond, while refusing to provide
13 legal assistance, suggested that I file the Motion for Reconsideration with a Date of
14 Hearing "to be determined" later once the Court Clerks were able to attain a date
15 from Judge Quidachay. A vendor working with the SFSC clerks were able to make
16 a temporary patch to get my Motion for Reconsideration through the system to be e-
17 filed, which required an entire day of me sitting on the phone coordinating between
18 the vendor and SFSC. In lieu of all of my troubles and inquiries to Department 501
19 regarding the filing of this Motion for Reconsideration also explained in a letter sent
20 with the Courtesy Copy, the Department 501 Clerks rejected my filing because it
21 had no hearing date.

22 - The issue with not being listed as the Plaintiff or party that could file
23
24
25
26
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1 Marvin J. Straus, Esq. (SBN 199315)
Judith McAulay, Esq. (SBN 176197)
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3 San Diego, CA 92101
Telephone: (619) 595-6020
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Attorneys for Defendant,
6 LINDA STEINHOFF HOLMES

7 Adrienne C. Duncan, Esq. (SBN 284697)
Jalila D. Jallab, Esq. (SBN 355274)
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Telephone: (925) 734-0990
11 Facsimile: (925) 734-0888
Attorneys for Defendant,
12 LINDA STEINHOFF HOMMES

13
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF SAN FRANCISCO**
16

17 DANIEL J. FELDMAND, PH.D.,
18 Plaintiff,

19 v.

20 LINDA STEINHOFF HOLMES, AND
21 DOES 1-30,
22 Defendants.
23

Case No: CGC 21-594129
(Unlimited Civil)

DEFENDANT'S EXHIBIT LIST

Judge: Hon. Rochelle East
Dept.: 206
Complaint Filed: July 28, 2021
Trial: August 25, 2025

24 Defendant LINDA HOLMES, hereby submits this list of exhibits which Defendant
25 intends to introduce at the time of trial. Omission of an exhibit(s) from this list is not
26 intended to preclude defendant from submitting that exhibit(s) at trial.
27
28

ELECTRONICALLY
FILED
*Superior Court of California,
County of San Francisco*
08/15/2025
Clerk of the Court
BY: AUSTIN LAM
Deputy Clerk

Exh. No.	Description	Stip. Foundation	Stip. Admiss.	Legal Gr. for Obj.	Date Offered	Date Admit
1.	UC San Francisco Police Department Records and communications regarding Plaintiff's threats to Defendant.					
2.	Report, Photographs, and Video from Expert Witness Richard Norman of his inspection of subject unit.					
3.	Deposition transcript of Plaintiff.					
4.	Text message logs between Plaintiff and Defendant.					
5.	PG&E Service Reports from subject unit.					
6.	Receipts from AC and Company for repairs for the subject unit.					
7.	Gas stove payment receipt.					
8.	Gas stove installation receipt.					
9.	Recording done by Plaintiff describing alleged conspiracy and discussing other tenants, 27 minutes long.					
10.	San Francisco Police Department Records.					
11.	Aleco Electric Receipts for electrical repair.					

Exh. No.	Description	Stip. Foundation	Stip. Admiss.	Legal Gr. for Obj.	Date Offered	Date Admit
12.	Letter from witness Reggie Snowden regarding welfare check on Plaintiff.					
13.	Notice of Directors and Permit regarding heating of unit.					
14.	Notice of PG&E Repair and reimbursement for energy bill.					
15.	Letter from Curt Holmes regarding a false report made to California Highway Patrol alleging the theft of Mr. Feldman's vehicle.					
16.	DBI Complaints by Feldman establishing corrections.					
17.	Letter from witness Reggie Snowden regarding Plaintiff altering glass on front door of subject unit.					
18.	Letter from witness Reggie Snowden regarding Plaintiff's misuse of hot water.					
19.	Notes from Defendant regarding complaints from witness James Snowden regarding Plaintiff's disturbances at subject unit.					
20.	Defendant's notice to enter and repair property in 2018.					
21.	Defendant's notice to enter property in 2020.					
22.	Plumbing installation receipt for subject unit from 2012.					
23.	AC and Company receipt establishing front door repair.					

Haapala, Thompson & Abery LLP
Attorneys At Law
Park Plaza Building
1939 Harrison St., Suite 800
Oakland, California 94612
Telephone: 510-763-2324
Facsimile: 510-273-8534

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10 Attorneys for Defendant
LINDA STEINHOFF HOLMES

11

12 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

13 UNLIMITED JURISDICTION

14 DANIEL FELDMAN, Ph.D.,

15 Plaintiff,

16 v.

17 LINDA STEINHOFF HOLMES, an
18 individual; and DOES 1-10, inclusive,

19 Defendants.

20

) Case No. CGC-21-594129

)
)
) **DEFENDANT LINDA STEINHOFF**
) **HOLMES'S NOTICE OF MOTION FOR**
) **SUMMARY ADJUDICATION**

) Date: February 1, 2024

) Time: 9:30 a.m.

) Dept.: 501

) Complaint filed: July 28, 2021

21 TO PLAINTIFF *IN PRO PER*:

22 YOU ARE HEREBY NOTIFIED THAT on **February 1, 2024 at 9:30 a.m.**, in

23 **Department 501** of this Court located at 400 McAllister Street, San Francisco, California

24 94102, Defendant LINDA STEINHOFF HOLMES will move the court for summary

25 adjudication and an order awarding attorney's fees and costs of suit in favor of Defendant

26 LINDA STEINHOFF HOLMES and against Plaintiff DANIEL FELDMAN, Ph.D., in an amount

27 to be later determined, on the following issues:

28 ///

ELECTRONICALLY

FILED

Superior Court of California,
County of San Francisco

11/08/2023
Clerk of the Court

BY: SANDRA SCHIRO
Deputy Clerk

Issue No. 1: Plaintiff's second cause of action for retaliatory eviction under the San Francisco Rent Ordinance, San Francisco Administrative Code section 37.9, is barred by the one-year statute of limitations set forth in Code of Civil Procedure section 340(a); and

Issue No. 2: Plaintiff's claim for treble damages under the San Francisco Rent Ordinance, San Francisco Administrative Code sections 37.9 and 37.10B, in the third cause of action for negligence per se, is barred by the one-year statute of limitations set forth in Code of Civil Procedure section 340(a)

This Motion is made pursuant to the provisions of Code of Civil Procedure §437(c), and will be based on this Notice, and the supporting Memorandum of Points and Authorities, Separate Statement of Undisputed Facts, and Request for Judicial Notice, all of which are filed and served with this Motion, as well as the files and records in this action and any further evidence or argument that the Court may properly receive at or before the hearing.

A. The San Francisco Superior Court adopts CRC 3.1308 as the tentative ruling procedure in civil law and motion and discovery matters. For Real Property Court, compliance with 8.10(B) is required.

B. Parties may obtain a tentative ruling issued by the Law and Motion and Discovery Departments by telephoning (415) 551-4000 or visiting the court's website at www.sfsuperiorcourt.org and clicking the online services link. Changes in telephone numbers will appear in the official newspapers.

C. A party who fails to appear at the hearing is deemed to submit to the tentative ruling. However, no party may submit to a tentative ruling that specifies that a hearing is required.

D. Parties who intend to appear at the hearing must give notice to opposing parties and the court promptly, but no later than 4:00 p.m. the day before the hearing unless the tentative ruling has specified that a hearing is required. Notice of contesting a tentative ruling must be provided by sending an email to the court to contestdept302tr@sftc.org with a copy to all other parties stating, without argument, the portion(s) of the tentative ruling that the party

Haapala, Thompson & Abern LLP
Attorneys At Law
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1939 Harrison St., Suite 800
Oakland, California 94612
Telephone: 510-763-2324
Facsimile: 510-273-8534

1 contests. A party may not argue at the hearing if the opposing party is not so notified and the
2 opposing party does not appear.

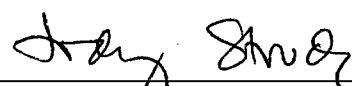
3 E. If no party appears, or if a party does not appear because the opposing party
4 failed to give sufficient notice of intent to argue, then the tentative ruling will be adopted.

5 F. Tentative rulings are generally available by 3:00 p.m. the day before the hearing.
6 A tentative ruling that does not become available until after 3:00 p.m. is a late tentative ruling. A
7 late tentative ruling will indicate that the ruling is late. If a tentative ruling is late, the parties
8 must appear unless all parties agree to submit to a late tentative ruling in which case the Court
9 will adopt the late tentative ruling pursuant to subsection E above.

10 G. The prevailing party on a tentative ruling is required to prepare a proposed order
11 repeating verbatim the substantive portion of the tentative ruling and must bring the proposed
12 order to the hearing even if the motion is not opposed or the tentative ruling is not contested. If
13 the prevailing party is appearing at the hearing remotely, the proposed order may be sent to the
14 court by an email to contestdept302tr@sftc.org. If the proposed order is for a summary
15 judgment and/or adjudication motion, the proposed order must comply with requirements of
16 CCP § 437c(g). If the proposed order is for a motion, such as a motion to withdraw as counsel,
17 where there is a Judicial Council form order, the prevailing party should complete the Judicial
18 Council form as the proposed order.

19 Dated: November 8, 2023

Respectfully submitted,

20
21 By: 

JODY STRUCK
HAAPALA, THOMPSON & ABERN, LLP
Attorneys for Defendant
LINDA STEINHOFF HOLMES

1 Plaintiff is also seeking treble damages on the third cause of action that are only available
2 pursuant to the Rent Ordinance.

3 Plaintiff moved out of the subject apartment on December 26, 2019 and filed this action
4 on July 28, 2021. As will be shown, Plaintiff's claims based on the Rent Ordinance are barred
5 by the applicable one-year statute of limitations set forth in Code of Civil Procedure section
6 340, subdivision (a). Accordingly, Defendant requests that the second cause of action and the
7 claim for treble damages under the third cause of action be summarily adjudicated in her favor.
8 As prevailing party, Defendant will be entitled to attorneys' fees pursuant to SFAC section 37.9,
9 subdivision (f)

10 II. STATEMENT OF RELEVANT FACTS

11 Plaintiff alleges that from March 2013 until December 26, 2019, he rented an apartment
12 at 884-14th Street in San Francisco. (Complaint, ¶ 20. A copy of the Complaint is attached to
13 the accompanying Request for Judicial Notice ("RJN") as Exhibit 1.) Defendant owns 884-14th
14 Street and was Plaintiff's residential landlord. (*Id.*, ¶ 14.)

15 On July 28, 2021, approximately 18 months after vacating the rental unit, Plaintiff filed
16 this civil action. (RJN, Exhibit 1.) The Complaint contains 11 causes of action relating to his
17 tenancy at 884-14th Street: 1) Constructive Eviction, 2) Retaliatory Eviction (SFAC, §37.9), 3)
18 Negligence Per Se, 4) Negligence/Personal Injury, 5) Breach of the Implied Warranty of
19 Habitability, 6) Breach of the Covenant of Quiet Enjoyment, 7) Defamation, 8) Intentional
20 Infliction of Emotional Distress, 9) Negligent Infliction of Emotional Distress, 10) Unfair
21 Competition Law (B&P Code §17200 et seq.) and 11) Nuisance. (*Ibid.*) The second cause of
22 action is based on an alleged violation of SFAC, § 37.9 (*id.*, 11:10-13) and the third cause of
23 action for negligence per se is based, in part, on SFAC, § 37.10B (*id.*, at 12:20-23).

24 III. LEGAL STANDARD

25 Defendant brings this motion for summary adjudication pursuant to Code of Civil
26 Procedure section 437c, subdivision (f)(1), which provides that "[a] party may move for
27 summary adjudication as to one or more causes of action within an action, one or more
28 affirmative defenses, one or more claims for damages, or one or more issues of duty...." As

1 Plaintiff's cause of action under the Rental Ordinance is clearly barred by the applicable
2 statute of limitations. (*Menefee v. Ostawari* (1991) 228 Cal.App.3d 239, 245.) In *Menefee*, the
3 Court of Appeal was asked to review a summary judgment granted in favor of the defendant
4 landlords. At issue was whether the tenant's claims, based on Section 37.9 of the Rent
5 Ordinance, were subject to the one-year statute of limitations set forth in Code of Civil
6 Procedure section 340, subdivision (a) ("Section 340(a)"). That section provides a one-year
7 period of time to bring "[a]n action upon a statute for a penalty or forfeiture, if the action is
8 given to an individual, or to an individual and the state, except if the statute imposing it
9 prescribes a different limitation." (Code Civ. Proc., § 340, subd. (a).) The Court affirmed
10 summary judgment in favor of the landlord defendants, finding that Section 37.9 of the Rent
11 Ordinance is a statute for a penalty, and that the one-year statute of limitations applied to bar the
12 plaintiff tenant's claims. (*Menefee*, 228 Cal.App.3d at 245; see also *G.H.I.I. v. MTS Inc.* (1983)
13 147 Cal.App.3d 256, 277-78.)

14 In this case, since Plaintiff's second cause of action is based on Section 37.9 of the Rent
15 Ordinance—the exact provision considered by the Court of Appeal in *Menefee*—the one-year
16 statute of limitations applies. Plaintiff's cause of action for retaliatory eviction accrued no later
17 than December 26, 2019, when he vacated the subject rental unit. Under the applicable one-
18 year statute of limitations set forth in Section 340(a), Plaintiff should have filed his cause of
19 action no later than December 26, 2020. (See, *Wixted v. Fletcher* (1961) 192 Cal.App.2d 706,
20 706-707; Code Civ. Proc., § 12.)

21 Plaintiff's claim is not preserved by the COVID tolling provision set forth in California
22 Rules of Court, Emergency Rule 9. That rule, which tolled most civil cases from April 6, 2020,
23 until October 1, 2020 because of the COVID pandemic, adds 178 days to the time Plaintiff had
24 to bring his cause of action. (Cal. R. app. I Emergency Rule 9.) The one-year statute of
25 limitations would have therefore run on June 22, 2021 instead of December 26, 2020. Plaintiff
26 missed that deadline. As a result, Plaintiff's second cause of action for retaliatory eviction, filed
27 on July 28, 2021, is time-barred, and summary adjudication of this cause of action is
28 appropriate.

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EXHIBIT 8:
Communications Regarding
Surrender of Possession on
October 15, 2020

1
2 **Flooding**

Daniel J. Feldman, Ph.D. <danieljfeldmanphd@gmail.com>

3 Sat, Oct 10, 2020 at 2:43 PM

To: Daniel Cheung <dcheung@bornstein.law>

4 Mr. Cheung:

5 I informed your client of an emergency situation about active flooding in the kitchen. The
6 water has been turned off since May, yet the shut off valve under the kitchen sink
7 continued to drip leak despite letting your client know about this problem for 5 years and
8 despite NOV's about the same issue.

9 This time, when I turned the water back on to clean things to move, the water shut off valve
10 is now a spraying leak that will not stop whether on or off. I put a pot under the leak but it
11 overflows within the hour. I have not stayed on the property more than a couple hours at a
12 time since May, including now, so when I return, the entire kitchen floor is flooded.

13 Mrs. Holmes, like for the 20 other NOV's that were made because of her
14 unresponsiveness, fails to address any emergency, despite me letting her know on
15 Wednesday of the issue. I am still her tenant and she is responsible for
16 remedying this. Now I have water damage in addition to mold damage and the water just
17 keeps on coming.

18 I request that you/her let me know when anyone is going to the apartment to fix the
19 plumbing, as I will have non emergency police stand by to be with me when they enter.
20 I have called 311 a dozen times and they cannot shut off water to the building without the
21 owner requesting it. DBI is coming this week to file another NOV about the leak. And in the
meantime, get kitchen countertop and storage below the sink are permanently damaged
and rotting. And the floor continues to puddle.

Please contact me to let me know how she plans to handle this situation BEFORE sending
anyone to the apartment as I need police security here to supervise that activity.

Thank you
(307) 699-3223

From: Daniel J. Feldman, Ph.D. <danieljfeldmanphd@gmail.com>

Sent: Tuesday, October 13, 2020 1:11 PM

To: Daniel Bornstein <daniel@bornstein.law>; Daniel Cheung <dcheung@bornstein.law>

Subject: Re: A few questions

Mr. Cheung and Bornstein:

1 I have asked repeatedly for help with the habitability of this apartment so I can leave in
2 time according to the settlement agreement, with limited or no response from you or the
3 Plaintiff. In particular, the apartment has been uninhabitable since December 2019. Many
4 of my belongings are ruined due to mold as documented by DBI and ERT environmental
5 services. I have requested a restoration of the habitability of the apartment many times
6 since then, and they have gone ignored just like many other repairs needed over the last 7
7 years.

8 I have had to seek medical attention due to the mold and water conditions, and due to the
9 lack of response, including complaints of the kitchen flooding from the flushing of water
10 from the upstairs two apartments as documented on video as well as inadequately
11 repaired plumbing under the kitchen sink, ruining the floor and cabinets, it is a health risk
12 for anyone to be in the apartment. I informed your client last Wednesday that the
13 kitchen was flooding, called 311 for help multiple times and have a new complaint into DBI.
14 Art Campbell who manages the maintenance for your client told me yesterday that he was
15 told the first time yesterday morning that the kitchen was flooding, five days after reporting
16 it to your client and also in unanswered emails to your office.

17 In any event, it is not healthy for me or movers to be exerting ourselves with the current
18 health risk from mold, an active flooding of the kitchen, and the lack of potable water to
19 move in time to meet the terms of the settlement agreement. I have also requested efforts
20 to be made for our safety and free from harassment from Mr. Severance and Mr. Snowden.
21 Again, these requests have been ignored when sent to your office, and Mr. Severance has
been in a verbal exchange with me and the movers during this process. Non emergency
police dispatch and hired security have been required as a result. Despite these
challenges, I plan to have the keys to you tomorrow or the morning of the 15th at the
latest. I expect that there will be an immediate exchange of the \$11000 plus the security
deposit and interest as the move has cost considerably more than those combined. As the
apartment fails to meet habitability standards and is full of mold, there will be quite a lot of
abandoned items that will need to be removed at the expense of your client.

We anticipated this in the settlement agreement. I expect that your client will waive the
right to keep any of the security deposit as she has failed to address critical issues to allow
me access to restore the apartment in a condition according to the lease. Please let me
know immediately if you expect any issue with refunding my entire security deposit with
interest in addition to the agreed moving costs of \$11000 in a cashiers check tomorrow
when I deliver the keys to your office.

Please print this email and have your client sign the bottom in agreement to accept the
return of the apartment "as is" with the damages related to her failure to make necessary
repairs or to the difficulties in moving out of the apartment in a timely manner due to her
failure to make necessary repairs. And this signature constitutes the agreement for me to
surrender possession of the apartment "as is" broom swept and abandoned unsafe items
consolidated into one room.